

**HOME RULE CHARTER COMMISSION**  
**December 17, 2018**  
**Castle Pines HOA 1 Community Center**  
**7233 Tenby Way**  
**5:30-8:30 pm**

**AGENDA**

- 1) Convene Meeting
- 2) Roll Call
- 3) Public Comment (3 Minute limit)
- 4) Approval of Minutes from December 10, 2018
- 5) Review and Approval of Amended Sections
  - a) Section 7.6 Procedure for Passage of Emergency Ordinance
  - b) Section 7.9 Official Records of Legislative Enactments
  - c) Section 8.1 Appointment and Qualifications of City Manager
- 6) Discussion of Proposed Provisions Concerning:
  - a) Section 10.1 Right to Establish
  - b) Section 10.2 Membership
  - c) Section 11.1 Revenue
  - d) Section 11.2 Prior Voter Approval
  - e) Section 11.3 Setting Fees for City Services
  - f) Section 11.4 Fiscal Year
  - g) Section 11.5 Proposed Annual Budget
  - h) Section 11.6 Budget Hearing
  - i) Section 11.8 Certification of Tax Levy
  - j) Section 11.9 General Fund
  - k) Section 11.10 Special Funds
  - l) Section 11.11 Adoption of Budget and Appropriation
  - m) Section 11.12 Amendments to Appropriations
  - n) Section 11.13 Publicizing of Expenditures
  - o) Section 11.14 Capital Program
  - p) Section 11.15 Independent Audits
- 7) Adjourn

# City of Castle Pines, Colorado Minutes

## Home Rule Charter Commission

### Members

Geoff Blue  
David Brennan  
Erik Bowman  
Ron Cole  
James Coudeyras  
Doug Gilbert  
Bill Hodges  
Charley Heard  
Jean Henry  
Jeffrey Huff  
Fredrick Lee  
Carol Lewis  
James Mulvey

## MEETING OF THE HOME RULE CHARTER COMMISSION Castle Pines Community Center, 7404 Yorkshire Drive, Castle Pines, CO 80108 Monday, December 10, 2018 - 5:30 PM

### 1. CONVENE MEETING

The meeting of the Home Rule Charter Commission of the City of Castle Pines, Colorado, was called to order by Michael Penny, City Manager, at 5:31 p.m.

### 2. ROLL CALL

**Those present were:** Geoff Blue  
Dave Brennan  
Erik Bowman  
Doug Gilbert  
Jean Henry  
Bill Hodges  
Charley Heard  
Jeffrey Huff  
Fredrick Lee  
Carol Lewis

**Those absent were:** Ron Cole  
James Coudeyras  
Jim Mulvey

**Also present with the Commission:**  
Michael Penny, City Manager  
Linda Michow, City Attorney  
Tobi Basile, City Clerk  
Meghan White, City of Castle Pines Intern

### 3. PUBLIC COMMENT

- There was no public comment.

### 5. APPROVAL OF MINUTES

- Minutes from the December 3, 2018 meeting were approved.

### 6. REVIEW AND APPROVAL OF AMENDED SECTIONS

- 3.7 Quorum: Adopted without changes.
- 6.1(c) Recall, Initiative and Referendum: Adopted without changes.

### 7. INTRODUCTION AND DISCUSSION OF PROPOSED PROVISIONS

- Section 7.1 Legislative Actions: Adopted without changes.
- Section 7.2 Ordinance Required: Adopted without changes.
- Section 7.3 Voting: Adopted without changes.
- Section 7.4 Form of Ordinance: Adopted without changes.
- Section 7.5 Procedure for Passage of Ordinance: Adopted without changes.
- Section 7.6 Procedure for Passage of Emergency Ordinance: Tabled until next meeting for further language to be added.
- Section 7.7 Enactment of Codes and Amendments Thereof by Reference: Adopted without changes.
- Section 7.8 Severability of Ordinances: Adopted without changes.
- Section 7.9 Official Records of Legislative Enactments: Tabled until next meeting for further language to be added.
- Section 8.1 Appointment and Qualifications of City Manager: Adopted with changes.



## City of Castle Pines, Colorado – Minutes, cont'd

Meeting Date: December 10, 2018

- k) Section 8.2 Dismissal of City Manager: Adopted without changes
- l) Section 8.3 Powers and Duties of City Manager: Adopted with changes
- m) Section 8.4 Chief Financial Officer: Section content moved into Section 8.3.
- n) Section 8.5 City Clerk: Section content moved into Section 8.3
- o) Section 8.6 Relationship of City Council to Administrative Service: Adopted without changes.
- p) Section 9.1 Municipal Court: Adopted with changes.
- q) Section 9.2 City Attorney: Adopted with changes.

### 8. ADJOURNMENT

- The meeting was adjourned at 7:47 p.m.

RESPECTFULLY SUBMITTED:

APPROVED:

\_\_\_\_\_  
Tobi Basile, CMC, City Clerk

\_\_\_\_\_  
Geoff Blue, Chairperson

## **ARTICLE I GENERAL PROVISIONS**

### **Section 1.1 Name and Boundaries**

The municipal corporation heretofore existing as the City of Castle Pines in Douglas County, State of Colorado, shall remain and continue as a political and corporate entity under this Charter and shall continue to be known as the City of Castle Pines, with boundaries the same as presently established, until changed in a manner authorized by law.

### **Section 1.2 Powers**

The City shall have all the power of local self-government and home rule and all power possible for a city to have under the Constitution of the State of Colorado except as provided by this Charter.

### **Section 1.3 Rights and Liabilities**

By the name of the City of Castle Pines, the municipal corporation shall have perpetual succession; shall own, possess and hold all property, real and personal heretofore owned, possessed and held by the City and does assume and shall manage and dispose of all trusts in any way connected therewith; shall succeed to all the rights and liabilities of the City; shall acquire all benefits and does assume and shall pay all bonds, obligations and indebtedness of the City; may sue and defend, purchase, lease, receive, hold and enjoy or sell and dispose of real and personal property; may establish public works and provide public utilities and other public services as permitted by law; and shall have a common seal and alter the same at pleasure.

### **Section 1.4 Form of Government**

The municipal government provided by this Charter shall be a "Council-Manager" form of government. Pursuant to the Charter provisions and subject only to limitations imposed by the Constitution of the State of Colorado, all powers shall be vested in an elected City Council, which shall enact local legislation, adopt budgets, determine policies and appoint the City Manager who shall execute the laws and administer the City government. All powers of the City shall be exercised in the manner prescribed by this Charter or, if the manner be not so prescribed, then in such manner as may be prescribed by Ordinance, Resolution or Motion, or as provided by other applicable law.

## **ARTICLE II ELECTIVE OFFICES**

### **Section 2.1 City Council and Mayor**

The City Council shall consist of the Mayor and six (6) Councilmembers, one (1) of whom shall serve as Mayor Pro-Tem. Two (2) of the Councilmembers shall be elected from each of the three (3) districts. The Mayor shall be elected at large from the entire City.

### **Section 2.2 Limits on City Elective Offices**

In addition to the limits on other elective offices set forth in Section 2.7 of this Charter, no person shall be eligible to stand for election for more than one City Elective Office at any single City election. For purposes of this Section of the Charter only, "City Elective Office" shall include any office on a new charter commission to be formed in accordance with Part 2 of Article 2 of Title 31, C.R.S., as may be amended from time to time. A candidate may hold

any City Elective Office of any kind and run for another City Elective Office of any kind at the same time, but if elected, the candidate must resign his current City Elective Office and fill the City Elective Office to which the candidate was subsequently elected.

### **Section 2.3 Council Districts**

(a) The City is hereby divided into three (3) districts. Changes in the boundaries of districts may be made by Ordinance adopted by the City Council, which changes shall be effective for purposes of any regular or special municipal election only if made at least one hundred and eighty (180) days prior to any such election. Districts shall conform with constitutional requirements.

(b) No change in the boundary of any district shall operate to exclude any Councilmember from office before the expiration of the term for which the incumbent was elected or appointed.

### **Section 2.4 Terms of Office--City Elective Offices**

(a) Each person holding City Elective Office at the time of the effectiveness of this Charter shall continue to hold such City Elective Office for the term for which such person was elected or appointed and subject to the same limitations on terms of office in existence prior to the effectiveness of this Charter.

(b) The term of office for each person holding City Elective Office shall commence upon their taking the oath of office at the ensuing organizational meeting of the City Council held at the first regular meeting of the City Council in the January following the election and shall continue during the term for which they shall have been elected until their successors shall have been elected and duly qualified. An organizational meeting of the City Council shall be held at the first regular or special meeting of the City Council in January following the election year.

(c) The Mayor and each Councilmember shall be elected for a term of four (4) years

(d) The limitations on terms of office for Mayor and City Council. Terms of office are considered consecutive unless they are at least four (4) years apart.

### **Section 2.5 Mayor--Powers and Duties**

The Mayor shall preside at all meetings of the City Council and shall exercise such powers and perform such other duties as are or may be conferred and imposed upon them by this Charter or the Ordinances of the City. The Mayor shall have all the powers, rights and privileges of a Councilmember. The Mayor shall have no power of veto. The Mayor shall be recognized as the head of the City government for all ceremonial, dignitary and legal purposes, and the Mayor shall execute and authenticate legal instruments requiring the Mayor's signature as such official.

### **Section 2.6 Mayor Pro-Tem**

The City Council shall elect one of its Councilmembers to serve as Mayor Pro-Tem. The Mayor Pro-Tem shall be elected by a majority of the members of City Council present at said meeting and may be removed by a majority of members of City Council in office at the time a vote is taken. In the absence or disability of the Mayor, the Mayor Pro-Tem shall preside at meetings of City Council and shall have all powers and duties of the Mayor. The Mayor Pro-Tem shall have all the powers, rights and privileges of a Councilmember.

## **Section 2.7 Qualifications**

(a) To be eligible to hold City Elective Office, either by election or by appointment, a person, at the time of their nomination and election or appointment, shall be a registered elector as defined by the laws of the State of Colorado, and registered elector of the City and, for those holding the office of Councilmember, a resident of the district they represent. To be eligible to hold City Elective Office, a person shall have resided within the City at the time of election or appointment for one (1) year immediately preceding such election or appointment.

(b) Each person holding City Elective Office, either by election or by appointment, shall maintain their primary residency in the City and district (if elected by district), throughout their term of office. If any person holding City Elective Office shall move from the City or from the district (if elected by district), during their term of office, their seat shall be vacant and such vacancy shall be filled by the City Council as provided by this Charter.

(c) No person holding City Elective Office, either by election or by appointment, shall be an employee of the City during his term of office.

(d) No person holding City Elective Office, either by election or by appointment, shall hold any other elective position with a federal, state, county or municipal governmental entity, including an office on a new charter commission to be formed in accordance with Part 2 of Article 2 of Title 31, C.R.S., as may be amended from time to time, during their term of office.

## **Section 2.8 Vacancies**

(a) An official shall continue to hold their City Elective Office until their successor is duly qualified except when such office is vacated as set forth in this Section. A City Elective Office shall become vacant whenever any officer fails to qualify within thirty (30) days after the commencement of his term, or retain qualification for City Elective Office as set forth in Section 2.7, or is recalled, removed, dies, becomes incapacitated, resigns, or is judicially declared incompetent or ceases to be a resident of the City and district (if elected by district).

(b) Within ninety (90) days of a vacancy in the office of Mayor, the City Council shall fill the vacancy by appointment or by calling for a special election to fill the vacancy.

(1) If filled by appointment, the person appointed to fill the vacated office of Mayor shall hold such office only until the term of office of a successor elected at the next Regular City Election has commenced.

(2) If filled by special election, the person elected to fill the vacated office of Mayor shall hold office only until the expiration of the term of office held by the Mayor whose office was vacated.

(c) Within ninety (90) days of a vacancy in the office of a Council Member, the City Council shall fill the vacancy by appointment or by calling for a special election to fill the vacancy.

(1) If filled by appointment or special election, the person appointed or elected to fill the vacated office of Council Member shall hold such office until the expiration of the term of such vacated office.

## **Section 2.9 Compensation**

All persons holding City Elective Offices shall receive such compensation and associated

benefits as are created by Ordinance and may be amended from time to time by Ordinance; provided, however, that the compensation and associated benefits of any person holding City Elective Office shall not be increased or decreased in any term of office during which the increase or decrease is approved by the City Council.

### **Section 2.10 Powers of City Council**

The City Council shall constitute the legislative and governing body of the City and shall have all legislative powers and functions of municipal government, except as otherwise provided in the Constitution of the State of Colorado or this Charter and shall have the power and authority to adopt such Ordinances, Resolutions and Motions, as it shall deem proper.

### **Section 2.11 Oath of Office**

Every person holding elected office, before entering upon the duties of such office, shall take an oath or affirmation of office that the officer will support the Constitution and the laws of the United States and of the State of Colorado and this Charter and the Ordinances of the City and will faithfully perform the duties of his office upon which the officer is about to enter.

### **Section 2.12 Standards of Conduct**

The City Council shall adopt an Ordinance governing disclosure of conflicts of interest, recusals from voting and other standards or code of conduct or ethics that shall supersede statutory or constitutional provisions governing or addressing the same matters.

### **Section 2.13 Removal from Office**

- (a) By an affirmative roll call vote of two-thirds (2/3) of the members of the City Council in office at the time of such vote, the Mayor or any Councilmember may be removed from office for good cause as defined by Ordinance.
- (b) No removal shall be made without notice to such elected official which contains a charge in writing and the facts upon which the charge is based and an opportunity of a public hearing before the City Council, which public hearing shall be held no sooner than ten (10) calendar days after the date the notice is given.

**ARTICLE III  
MEETINGS  
OF CITY COUNCIL**

**Section 3.1 Regular City Council Meetings**

The City Council shall meet regularly at least once each month at a day and hour and place to be fixed by the procedures and rules of order of each City Council.

**Section 3.2 Special Meetings**

Special meetings of the City Council shall be called by the City Clerk with at least twenty-four (24) hours' notice to each member of the City Council and to the public. Special meetings shall be called and delivered in accordance with the procedures and rules of order of the City Council and the requirements of this Charter and the Colorado Open Meetings Law, as now in effect and as may be amended from time to time.

**Section 3.3 Emergency Meetings**

An emergency meeting may be called in the event of an immediate danger or threat to the public health, welfare, peace, safety or property for the purpose of preservation or protection of the public health, welfare, peace, safety or property. Unless it is impractical, all members of the City Council shall be notified of such meeting, and such meeting may be held if a quorum exists. Maximum practical notice, including posted notice, shall be given to the public stating the purpose, time, place and manner of any such meeting.

**Section 3.4 Study Sessions**

The City Council may hold study sessions as deemed necessary in accordance with its procedures and rules of order. No quorum shall be required at any study session and no legally binding or formal action shall be taken at any such session.

**Section 3.5 Open Meetings**

All meetings of the City Council shall be open to the public. At City Council meetings, the public shall have a reasonable opportunity to be heard except for those meetings that are designated as study sessions. In compliance with the Colorado Open Meetings Law, as now in effect and as may be amended from time to time, the City Clerk shall keep a record of the proceedings of each meeting.

**Section 3.6 Executive Sessions**

Executive sessions may be held. Executive Sessions shall be held in compliance with the Colorado Open Meetings Law, as now in effect and as may be amended from time to time.

**Section 3.7 Quorum**

A majority of members of the City Council in office shall constitute a quorum. Except for study sessions, a quorum shall be required at all City Council meetings where business is conducted.

**Section 3.8 Procedures and Rules of Order**

The City Council shall prescribe the procedures and rules of order governing meetings, which rules shall remain in effect until amended in accordance with the provisions of the adopted procedures and rules of order.

## **ARTICLE IV POSTING OF MEETINGS**

The City Council shall adopt a Resolution which establishes public notice and posting requirements in accordance with the Colorado Open Meetings Law, as now in effect and as may be amended from time to time, including designating public places for such postings and such designation shall be deemed automatically readopted at the City Council's first regular meeting of each calendar year unless otherwise determined by the City Council.

## **ARTICLE V ELECTIONS**

### **Section 5.1 Laws Governing Elections**

Special and general municipal elections shall be governed by the Colorado Municipal Election Code of 1965 as now in effect and as may be amended from time to time, except as the City Council may prescribe by ordinance or resolution calling an election.

### **Section 5.2 Municipal Elections**

(a) A general municipal election shall be held on the date in November of each odd-numbered year to coincide with the election date of the Douglas County coordinated election.

(b) Any special municipal election may be called by resolution or ordinance of the City Council at least sixty (60) days in advance of such election. The Resolution or Ordinance calling a special municipal election shall set forth the purpose or purposes of such election.

### **Section 5.3 Nonpartisan Elections**

All municipal elections shall be nonpartisan. No municipal election ballot shall contain any language referring to any political party affiliation.

## **ARTICLE VI RECALL, INITIATIVE AND REFERENDUM**

### **Section 6.1 Right of Recall**

(a) Any person holding City Elective Office may be recalled at any time after one hundred eighty (180) days in office by the electors entitled to vote for a successor of such incumbent.

(b) The procedures for recall shall be those set forth in Title 31, Article 4, Part 5, C.R.S., as now in effect and as may be amended from time to time, except that the City Council may, by ordinance and consistent with this Charter, amend such procedures.

(c) A recall petition shall be signed by registered electors entitled to vote for a successor to the incumbent in number equal to at least twenty-five percent (25%) of the entire vote cast at the last preceding Regular City Election for all candidates for the office to which the incumbent sought to be recalled was elected, but in no case shall a recall petition be signed by less than one hundred (100) registered electors.

### **Section 6.2 Right of Initiative**

(a) The power of initiative to propose any legislative ordinance to the City Council is reserved to the voters of the City in accordance with the provisions of Article V, Section 1 of the Constitution of the State of Colorado insofar as such provisions are applicable.

(b) For ordinances to be referred by initiative, a petition shall be signed in a number equal to at least ten percent (10%) of the registered electors for a regular election and shall be signed in a number equal to at least fifteen percent (15%) of the registered electors for a special election.

(c) After a final determination of petition sufficiency, the City Council shall have forty-five (45) days to adopt the proposed ordinance or refer the proposed ordinance to the registered electors of the City at an election.

### **Section 6.3 Right of Referendum**

(a) The power of referendum to require reconsideration by the City Council of any legislative ordinance, except an emergency ordinance passed in accordance with this Charter, is reserved to the voters of the City in accordance with the provisions of Article V, Section 1 of the Constitution of the State of Colorado insofar as such provisions are applicable.

(b) A petition for a referendum shall be signed in a number equal to at least ten percent (10%) of the registered electors of the City.

### **Section 6.4 Procedures for Initiative and Referendum**

The procedures for initiative and referendum shall be those set forth in Title 31, Article 11, C.R.S., as may be amended from time to time, except that the City Council may, by Ordinance and consistent with this Charter, amend such procedures.

## **ARTICLE VII COUNCIL ACTIONS**

### **Section 7.1 Legislative Actions**

The City Council shall have the authority to enact ordinances consistent with this Charter to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort, and convenience of the City and its residents.

### **Section 7.2 Ordinance Required**

In addition to such acts of the City Council as are required by other provisions of this Charter to be by ordinance, the following actions shall also require an ordinance: borrowing of money, levying new taxes, increasing an existing tax, increasing existing franchise fees, creating new franchise fees, or establishing a rule or regulation for the violation of which a penalty is imposed.

### **Section 7.3 Voting**

For passage, every action shall require the affirmative vote of a majority of the City Council present. Every member of the City Council, when present, shall vote upon ordinances, resolutions, and motions unless such member of the City Council shall have a legally recognized conflict of interest.

#### **Section 7.4 Form of Ordinance**

The enacting clause of all Ordinances shall be: "THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO, ORDAINS".

#### **Section 7.5 Procedure for Passage of Ordinances**

The procedure for passage of an ordinance, other than an emergency ordinance, shall be as follows.

- (a) Introduction (first reading) at any regular or special meeting and vote by the City Council in accordance with the voting requirements established by this Charter to move the proposed legislation forward to second reading.
- (b) If passed upon first reading, publicizing in accordance with the requirements, methods and procedures for publicizing ordinances as adopted by the City Council by ordinance.
- (c) Consideration on second reading at a meeting not earlier than six (6) days after first reading that shall include:
  - i. Public hearing.
  - ii. Vote of the City Council.
- (d) After final passage, publicizing in accordance with the requirements, methods and procedures for publicizing ordinances as adopted by the City Council by Ordinance.
- (e) Unless a later date is specified in the text of the Ordinance, an Ordinance other than an Emergency Ordinance shall take effect and be enforced thirty (30) days after final publication.

#### **Section 7.7 Enactment of Codes and Amendments Thereof by Reference**

In accordance with statutes relative to adoption by reference now or hereafter in effect, the City Council may enact any appropriate Colorado statute, or any standard code promulgated or enacted by any municipality, county, state or federal agency, or by a recognized trade or professional organization, by reference thereto in an enacting Ordinance and without publishing such statutes or codes in full. In the event that any such statute or code, after being adopted by reference, is revised or amended by the agency or organization by which it was enacted or promulgated, then any such revision or amended version may be adopted by reference by an ordinance passed in the manner provided by this Charter.

#### **Section 7.8 Severability of Ordinances**

Unless an ordinance shall expressly provide to the contrary, if any portion of an ordinance or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications of the Ordinance which can be given effect without the invalid portion or application, provided such remaining portions or applications are not determined by the court to be inoperable.

## **ARTICLE VIII ADMINISTRATIVE SERVICES**

### **Section 8.1 Appointment and Qualifications of City Manager**

The City Council shall hire a City Manager who shall be the chief administrative officer of the City and who shall serve at the pleasure of the City Council. The City Manager shall be chosen by the City Council on the basis of executive and administrative qualifications with particular emphasis on experience and training with respect to the duties of the office and shall have the minimum qualifications, if any, as may be set by the City Council by ordinance.

### **Section 8.2 Dismissal of City Manager**

The City Council may terminate the employment of the City Manager upon the affirmative vote of a majority of the City Council at any regular or special meeting called for that purpose and subject to the City Manager's employment agreement, if any. The action of the City Council in removing the City Manager shall be final, it being the intention to vest all authority and fix all responsibility for such removal in the City Council.

### **Section 8.3 Powers and Duties of City Manager**

The City Manager shall be responsible to and report directly to the City Council on the proper administration of all affairs of the City placed in his charge, and to that end the City Manager shall have the powers and duties as set forth by the City Council by Ordinance, including, but not limited to:

- (a) Enforcing or supervising the enforcement of all laws of the City; and
- (b) Supervising and overseeing all aspects of City functions and activities, service contracts and personnel and departments that report to the City Manager; and
- (c) Performing or supervising the performance of budget-related duties, accounting duties and financial and risk planning, reporting and management; and
- (d) Reporting regularly to the City Council on the functioning of all City departments, services, activities and financial matters;
- (e) The City Manager may retain a chief financial officer. The chief financial officer shall perform such duties as may be prescribed by the City Manager;
- (f) The City Manager may retain a City Clerk. The City Clerk shall perform such duties as may be prescribed by the City Manager; and
- (g) Performing such other duties as set forth in the Ordinances of the City or by direction of the City Council.

### **Section 8.4 Relationship of City Council to Administrative Service**

Neither the City Council nor any member thereof shall have authority to require the hiring, promotion, suspension, transfer or termination of any person by the City Manager. Except for the purpose of making specific inquiries, all members of the City Council shall deal with administrative personnel or consultants through the City Manager and no member of the City Council shall give orders to any employee of the City.

**ARTICLE IX  
JUDICIARY AND LEGAL**

**Section 9.1 Municipal Court**

(a) There shall be a Municipal Court of record that shall have exclusive original jurisdiction to hear and determine all cases arising under this Charter or the ordinances of the City. The powers of and the procedure in such Municipal Court and the manner of enforcement of its orders and judgments, shall be such as is provided for under this Charter, the laws of the State of Colorado and the ordinances of the City with respect to municipal courts of records.

(b) In accordance with state law, the Municipal Court shall be presided over and its functions exercised by one (1) or more municipal judges, who shall be attorney(s)-at-law authorized to practice in Colorado and otherwise qualified and appointed by the City Council.

(c) A municipal judge shall receive compensation not dependent upon the outcome of the matters to be decided by them and as fixed by the City Council by Resolution or Ordinance from time to time.

(d) The City Council shall provide for the enforcement of its Ordinances by fine or imprisonment or both, within the limits established from time to time by State law.

**Section 9.2 City Attorney**

(a) The City Attorney shall be appointed by and shall serve at the pleasure of the City Council. The City Attorney shall be the legal representative of the City as directed by the City Council.

(b) The City Attorney shall be an attorney-at-law authorized to practice in Colorado and be otherwise qualified as determined by City Council.

## Previous Sections for Final Review:

### Section 7.6 Procedure for Passage of Emergency Ordinances

Emergency ordinances are legislative enactments for which immediate effectiveness is deemed necessary for the preservation of the public peace, health or safety. Emergency ordinances shall take effect immediately upon passage, after one reading, by an affirmative vote of three-fourths (3/4) of the members of the City Council. Within thirty (30) days of adoption of an emergency ordinance, the City Council shall hold a public comment period for the sole purpose of providing an opportunity for public comment.

### Section 7.9 Official Records of Legislative Enactments

All ordinances shall be kept and maintained by the City Clerk in such form as is sufficient to assure reasonable access to the public. It shall be the duty of the Mayor and City Clerk to authenticate such records ~~by their official signatures thereon~~, but the failure to so authenticate any ordinance shall not invalidate it or suspend its operation.

### Section 8.1 Appointment and Qualifications of City Manager

The City Council shall hire a City Manager who shall be the chief administrative officer of the City and who shall serve at the pleasure of the City Council. The City Manager shall be chosen by the City Council on the basis of executive and administrative qualifications with particular emphasis on experience and training with respect to the duties of the office and shall have the minimum qualifications, if any, as may be set by the City Council by ordinance.

Option 1 – No person holding or who has held city elective office shall be hired as a city employee during or within one (1) year after the termination of the term of such elected official.

Option 2 - No person holding or who has held city elective office shall be hired as City Manager during or within one (1) year after the termination of the term of such elected official.

## Sections for Commission Consideration:

### Section 10.1 Right to Establish

To the extent not otherwise required by this Charter, the City Council shall have authority to create and disband boards, commissions and committees and confer upon the same such powers and duties as it deems advisable by Resolution or by Ordinance.

### Section 10.2 Membership

To the extent the number and qualifications of members of any board, commission or committee is not otherwise required by this Charter, members of such boards, commissions and committees shall be appointed in accordance with an Ordinance setting forth the number of members, qualifications, terms, appointment and removal procedures and compensation, if any, for each board, commission or committee.

## Article 11 – FINANCIAL MANAGEMENT

### Section 11.1 Revenue

Subject to applicable limitations in the Colorado Constitution and in this Charter, the City Council shall have all powers now or hereafter granted to municipalities of any kind in the State to raise revenue by any power of any kind, including but not limited to taxes, rates, fees, licenses, tolls, penalties and charges. Any voter approvals waiving or amending any

requirements of the Colorado Constitution in force at the time of effectiveness of this Charter shall continue in force and effect.

### **Section 11.2 Prior Voter Approval**

No tax rate increase or levy of any new tax shall be effective without prior voter approval.

### **Section 11.3 Setting Fees for City Services**

In adopting any new City-imposed fee or changing the amount of any existing City-imposed fee for any service rendered by the City (specifically excluding franchise fees), the City Council shall determine the amount of such fee based on the direct and indirect costs incurred by the City in providing the service for which the fee is charged.

### **Section 11.4 Fiscal Year**

The fiscal year of the City and all of its agencies shall begin on the first day of January and end on the thirty-first (31<sup>st</sup>) day of December of each year.

### **Section 11.5 Proposed Annual Budget**

A proposed budget for the ensuing fiscal year shall be presented to the City Council by September 30<sup>th</sup> of each year.

### **Section 11.6 Budget Hearing**

The City Council shall hold a public hearing on the proposed budget each year. Copies of the proposed budget shall be available to the public seven (7) days prior to such hearing. Notice of the time and place of such hearing shall be published at least once seven (7) days prior to such hearing in accordance with Article IV.

### **Section 11.7 Scope of Annual Budget**

- (a) The City shall adopt a balanced budget.
- (b) The budget adopted by the City Council shall contain, at minimum:
  - (1) an estimate of anticipated revenue from all sources for the ensuing year;
  - (2) an estimate of the general fund cash surplus at the end of the current fiscal year or of the deficit to be made up by appropriation;
  - (3) The estimated expenditures necessary for the operation of the departments, offices and agencies of the City;
  - (4) debt service requirements for the ensuing fiscal year; and
  - (5) an estimate of the sum required to be raised by the tax levy for the ensuing fiscal year and the rate of levy necessary to produce such sum.
- (c) All estimates shall be in detail showing revenues by source and expenditures by departments, organizational units, activities, character and object.

### **Section 11.8 Certification of Tax Levy**

In accordance with the requirements of Colorado law, the City Council shall fix the amount of tax levy, which shall be assessed upon each dollar of assessed valuation of all taxable property

within the corporate limits of the City and shall cause the same to be certified to the County as required by law.

**Section 11.9 General Fund**

There is hereby established a fund to be known as the general fund. All revenues not specifically allocated to any other fund shall be placed in the general fund. All general functions of the City shall be financed by expenditures from the general fund.

**Section 11.10 Special Funds**

Additional funds, which shall be known as special funds, may be created by Ordinance to provide for monies to be held or used for special purposes as the City Council may determine, including but not limited to enterprise funds or special purpose funds.

**Section 11.11 Adoption of Budget and Appropriation**

Not later than the fifteenth (15<sup>th</sup>) day of December of each year, the City Council shall adopt a resolution for the budget and for the annual appropriations. No budget shall be deemed adopted unless a public hearing is held prior to the vote of the City Council and there is an affirmative vote of a majority of the City Council to adopt such budget and appropriations. Copies of the budget as adopted shall be public records and shall be made available to the public and shall be publicized in accordance with an Ordinance adopted by the City Council.

**Section 11.12 Amendments to Appropriations**

The City Council may make additional appropriations in accordance with procedures set forth by ordinance.

**Section 11.13 Publicizing of Expenditures**

Expenditures authorized to be made need not be published, but the City shall maintain a record on file of same, which shall at all times be available for public inspection.

**Section 11.14 Capital Program**

- (a) The City Manager shall prepare and submit to the City Council a multi-year capital program no later than the date of submission of the proposed annual budget.
- (b) The capital program plan shall be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.
- (c) Copies of the capital program plan shall be public records and shall be made available to the public.

**Section 11.15 Independent Audits**

The City Council shall provide for an annual independent audit of all accounts of the City to be performed by a certified public accountant experienced in municipal accounting. The auditor selected to perform any audit on behalf of the City shall have no direct personal interest in the financial affairs of the City or of any person holding City Elective Office. Unless another date is provided by Ordinance, the annual audit shall be completed within six (6) months of the close of the fiscal year. Copies of any audit undertaken in accordance with this Section shall be available for public inspection.