

TOWN OF MORRISON

HOME RULE CHARTER

**Passed by the Home Rule Charter Commission on
July 25, 2000**

**Lew Stieghorst
Brian Bogert
Jamee Chambers**

**Donna Smith
Wayne Jacobson
Kathy Dichter**

**Jack Phillips
Allen Williams
Dick Scott**

**Endorsed by the Board of Trustees for the Town of Morrison
On August 15, 2000**

**Kathy Dichter, Mayor
Dick Scott, Trustee
Donna Smith, Trustee
Jack Phillips, Trustee**

**Allen Williams, Mayor Pro Tem
Lew Stieghorst, Trustee
Robert Pitts, Trustee**

**TOWN OF MORRISON
HOME RULE CHARTER
TABLE OF CONTENTS**

		<u>Page</u>
Prefatory Synopsis . . . . .		. 1
Article 1.0	General Provisions	2
1.1	Name, Boundaries	2
1.2	Purpose of Charter	2
1.3	Form of Government	2
1.4	Powers of the Town	2
Article 2.0	Mayor, Board of Trustees . . . . .	. 3
2.1	Board Membership . . . . .	. 3
2.2	Powers of the Board . . . . .	. 3
2.3	Qualifications . . . . .	. 3
2.4	Terms of Office. . . . .	. 3
2.5	Compensation	3
2.6	Standards of Conduct . . . . .	. 3
2.7	Vacancies . . . . .	. 4
2.8	Oath of Office . . . . .	. 4
2.9	Mayor. . . . .	. 5
2.10	Mayor Pro-Tem. . . . .	. 5
2.11	Removal. . . . .	. 5
Article 3.0	Board Procedure . . . . .	. 5
3.1	Regular Meetings. . . . .	. 5
3.2	Special Meetings . . . . .	. 6
3.3	Quorum and Adjournment of Meeting.. . . .	. 6
3.4	Meetings Open to the Public, Executive Sessions. . . . .	. 6
3.5	Board Acts.. . . .	. 7
3.6	Voting; Voting Prohibited When. . . . .	. 7
3.7	Action by Ordinance Required . . . . .	. 7
3.8	Form of Ordinance . . . . .	. 8
3.9	Ordinance Adoption Procedure . . . . .	. 8
3.10	Emergency Ordinances . . . . .	. 9
3.11	Codification . . . . .	. 9
3.12	Adoption of Codes by Reference . . . . .	. 9
3.13	Public Records . . . . .	. 9
3.14	Publication . . . . .	. 9
3.15	Fines and Penalties for Ordinance Violations . . . . .	. 10

	<u>Page</u>	
Article 10.0	Improvement Districts . . . . .	.18
10.1	Authorization . . . . .	.18
10.2	Public Hearing . . . . .	.19.
10.3	Review of Improvement District Proceedings . . . . .	.19
Article 11.0	Franchises and Public Utilities . . . . .	.19
11.1	Town Powers . . . . .	.19.
11.2	Utility Rates and Finances. . . . .	.19.
11.3	Grant of Franchises . . . . .	.20.
11.4	Term, Compensation and Restriction . . . . .	.20.
11.5	Franchise Review . . . . .	.20.
11.6	Assignment of Franchise . . . . .	.20.
11.7	Common Use of Facilities . . . . .	.20.
11.8	Franchise Records . . . . .	.21.
11.9	Revocable Permits.	21
Article 12.0	Boards and Commissions . . . . .	.21
12.1	Existing Boards and Commissions . . . . .	.21.
12.2	Boards and Commissions General . . . . .	.21.
Article 13.0	Property Rights, Disposition	
13.1	Property Rights . . . . .	.22.
13.2	Eminent Domain . . . . .	.22.
13.3	Lease of Property. . . . .	.22.
Article 14.0	Miscellaneous Provisions	
14.1	Interpretation . . . . .	.22.
14.2	Reservation of Power . . . . .	.22.
14.3	Bequests, Gifts and Donations . . . . .	.23.
14.4	Emergency Powers . . . . .	.23.
14.5	Penalties for Violation of Charter . . . . .	.23.
14.6	Severability of Charter Provisions . . . . .	.23.
14.7	Charter Amendments . . . . .	.23.
14.8	Saturdays, Sundays, and Holidays . . . . .	.24.
14.9	Definitions . . . . .	.24.
14.10	Limitations of Actions	26
Article 15.0	Transitional Provisions . . . . .	.26
15.1	Status of Transitional Charter . . . . .	.26.
15.2	Effective Date of Charter. . . . .	.26.
15.3	Prior Town Legislation . . . . .	.26.
15.4	Present Elected Officials to Continue in Office . . . . .	.26.

	<u>Page</u>
15.5 Continuation of Appointed Officers and Employees . . . . .	.26.
15.6 Continuation of Present Boards and Commissions. . . . .	.27.
15.7 Saving Clause . . . . .	.27.
15.8 Correction of Grammatical and Syntactical Errors	27

PREFATORY SYNOPSIS

The Town of Morrison was incorporated on January 10, 1906, as a statutory town. Its basic structure and legal status have not changed during its first century of existence. Physically the Town has changed somewhat, but broad and pervasive change, resulting from growth and growth pressure in and around the historic town, is just now beginning to be felt. The Morrison Home Rule Commission, elected on April 4, 2000 has designed and presented a Charter which makes minimal modification to the current structure and practice of government in the Town, but empowers the Town to effectively function in its second century. The Charter reserves to the residents of the Town and their elected officials the fullest power and authority over local and municipal matters that may be reserved under Article XX of the Colorado Constitution. The Charter and the administrative structure provided will enable the Town to respond quickly and effectively to the challenges the future will present:

- intensified regulation of the water and sewer utilities.
- new state or federal mandates
- changes in the law governing municipal matters as a result of legislative or citizen initiated changes.
- development and development pressure.

The Charter authorizes but does not require the position of Town Administrator. As government becomes a more technical and complex activity skilled management with continuity is important..

The Charter presented to the Board of Trustees retains, and in some cases expands, the rights of the electorate to be informed about and to effect the government of the Town through broader notice requirements for Board meetings and proposed ordinances, a detailed budget document and open budget process with opportunity for citizen participation and the rights of initiative, referendum and recall. The Charter leaves unimpaired the right of a citizen to vote upon any proposed tax increase or change, any new tax and any new debt payable over multiple years representing a general obligation of the Town. The Charter encourages responsible long range planning through a requirement for a capital improvement program and regular utility rate review. The Charter provides for an independent annual audit of the Town's financial status so that citizens may inform themselves of the Town's financial condition.

It is the Charter Commission's belief that that level of government closest to the people best understands their needs and is most responsive to their requests and should therefore have the greatest authority to develop policy affecting them. Preserving that authority is the essence of home rule and the purpose and intent of the proposed Morrison Home Rule Charter.

**ARTICLE 1.0
GENERAL PROVISIONS**

SECTION 1.1. NAME, BOUNDARIES

The municipal corporation presently incorporated as the Town of Morrison, shall remain and continue as a body politic and corporate under this Charter with the same name and with the same boundaries until such boundaries are lawfully changed.

SECTION 1.2. PURPOSE OF CHARTER

It is the purpose of this Charter to establish a basic governmental structure that will provide for the effective and efficient conduct of the governance of the Town. The Charter permits and encourages full participation in the affairs of the Town by every member of the community.

SECTION 1.3. FORM OF GOVERNMENT

The municipal government provided by this Charter shall be a "Board-Mayor " form of government. Pursuant to its provisions and subject only to limitations imposed by the State Constitution and by this Charter, all powers of the Town shall be vested in an elective Mayor and Board of Trustees, hereafter referred to as the "Board," which may enact local legislation, adopt budgets and determine policies. The Board of Trustees shall appoint a Town Administrator whose duties and authority shall be as provided by Ordinance. All powers of the Town shall be exercised in the manner prescribed by this Charter or by Ordinance. This structure, and the allocation of authority and responsibility provided for may be modified by a duly enacted ordinance approved by two-thirds (2/3) of the elected Board which ordinance shall not be effective for thirty days after its adoption.

SECTION 1.4. POWERS OF THE TOWN

- (a) Morrison shall have all the power of local self-government and home rule possible under the State Constitution. All such powers shall be exercised in a manner consistent with the United States Constitution, the State Constitution, and this Charter.
- (b) Except as otherwise provided in this Charter, the Town shall also have all powers granted to cities and towns under State statutes.
- (c) The enumeration of specific powers in this Charter shall not be considered as limiting or excluding any other power under Article XX of the State Constitution or any other applicable constitutional provision.

ARTICLE 2.0
MAYOR, BOARD OF TRUSTEES

SECTION 2.1. BOARD MEMBERSHIP

The Town shall be governed by a Board of seven (7), comprised of six (6) Trustees and a Mayor, who shall be elected at large, unless otherwise provided by ordinance.

SECTION 2.2 POWERS OF THE BOARD

The Board shall be the legislative and governing body of the Town and shall exercise all powers conferred to it by this Charter and shall adopt such ordinances and resolutions as it shall deem proper.

SECTION 2.3. QUALIFICATIONS

Each Board Member and the Mayor when nominated and elected shall be 21 years of age, shall be a citizen of the United States, a registered voter of this Town and shall have resided in the Town or any territory hereafter annexed for one year immediately preceding such election. The Board shall be the judge of the election and qualifications of its own members.

SECTION 2.4. TERMS OF OFFICE

Terms of office of members of the Board shall be four years and shall be overlapping.

SECTION 2.5. COMPENSATION

The members of the Board shall be entitled to receive such compensation as may be prescribed by ordinance, provided, however, that the compensation of any member during such member's term of office shall not be increased or decreased.

SECTION 2.6. STANDARDS OF CONDUCT

(a) Conflicts of Interest

(1) A "conflict of interest," for purposes of this Article, means any pecuniary, property or commercial benefit of any person covered by this Article, or of any parent, spouse, sibling, or child of such person. However, a "conflict of interest" does not include any matter involving the common public interest, or any matter in which a similar benefit is conferred or is available to all persons or property similarly situated.

(2) No person subject to the requirements of this Article shall fail to comply with the applicable disclosure and non-action requirements of this Section.

(b) Disclosure And Non-Action - Matters Involving Conflict Of Interest

(1) If the Mayor or a Trustee has a conflict of interest with regard to any matter before the Board, he or she shall follow the disclosure and other requirements of this section. The Board shall be the final arbiter of conflicts of interest of its members.

(2) At or before the time the matter is heard, the member shall disclose the interest to the Board. The member shall not vote on or otherwise take any formal action concerning the matter, shall not participate in any executive session concerning the matter, and shall refrain from attempting to influence any other member in voting on the matter other than as a citizen in an open meeting on the record.

(c) Other Provisions Concerning Conflicts of Interest

(1) Neither the Mayor or any Trustee shall use for personal or private gain, or for any other personal or private purpose, any information which is not available to the public and which is obtained by reason of the person's position with the Town, or disclose any such information except as required by law.

(2) The provisions of this Article shall be in addition to any applicable conflict of interest provisions of the State statutes that are at least as restrictive as this Article, and shall supersede any such conflict of interest provisions of the State statutes that are less restrictive than this Article.

SECTION 2.7. VACANCIES

The Board of Trustees has the power, by appointment, to fill all vacancies on the Board, including Mayor, or any other office, and the person so appointed shall hold his office until the next regular election and until his successor is elected and takes the oath of office. The Board also has the power to fill a vacancy on the Board, including Mayor, by ordering an election to fill the vacancy until the next regular election. A special election may not be ordered to fill a vacancy if the vacancy occurs ninety days or less before a regular election. If a vacancy on the Board, including Mayor, is not filled by appointment within sixty days of the date of the vacancy, and no regular election is scheduled within ninety days of the date the vacancy occurs, then a special election must be called as soon as practicable to fill the vacancy until the next regular election and until a successor has been elected and qualified.

SECTION 2.8. OATH OF OFFICE

Before entering upon the duties of office, every Trustee, the Mayor and other Town Officers as defined by ordinance shall take, subscribe before and file with the Town Clerk an oath or affirmation supporting the Constitution of the United States, the Constitution of the State of Colorado, this Charter and the ordinances of the Town and affirming they will faithfully perform the duties of the office.

SECTION 2.9 MAYOR

(a) The Mayor shall be elected for a term of four years.

(b) The Mayor shall preside at meetings of the Board and shall exercise such powers and perform such other duties as shall be conferred on the office by this Charter, the ordinances of the Town or by the Board. The Mayor shall have all the powers, rights, privileges and obligations of a Board member including the right to vote on all matters. The Mayor shall be recognized as head of the Town government for all ceremonial and legal purposes and shall execute all legal instruments requiring official signatures. The Mayor shall be responsible for the efficient administration of the affairs of the Town as required by this Charter and the policies and directives of the Board, subject to modification of this responsibility and authority in the event of appointment of a Town Administrator and upon definition of his authority and responsibility by ordinance.

SECTION 2.10 MAYOR PRO TEM

The Mayor Pro Tem shall be elected from the Board membership by a majority vote of the entire Board. This election shall take place at the organizational meeting following each general municipal election.

The Mayor Pro Tem shall serve until the next organizational meeting unless sooner removed by a majority vote of the entire Board. In the absence or disability of the Mayor, the Mayor Pro Tem shall perform all duties and have all powers of the Mayor. If a vacancy occurs in the office of Mayor Pro Tem, the Board shall elect a successor.

SECTION 2.11. REMOVAL

The Board of Trustees shall have the power to remove its members from office, including the Mayor, for cause upon written notice and opportunity for a hearing. Removal from office shall require at least five votes for removal. Without limiting other cause, three (3) consecutive unexcused absences shall be grounds for removal.

**ARTICLE 3.0
BOARD PROCEDURE**

SECTION 3.1. REGULAR MEETINGS

The Board shall meet regularly at least twice each month on a day and hour to be fixed by resolution. Notice of all regular meetings shall be posted permanently in at least two locations in the Town ordinarily used for public notices. The agenda of each regular meeting shall be posted in a public place within the Town at least seventy-two (72) hours in advance of such meetings. The Board shall determine the rules and procedures governing meetings. The first regular meeting following each general municipal election shall be the organizational meeting of the Board.

SECTION 3.2. SPECIAL MEETINGS

Special meetings shall be called by the Town Clerk upon the request of the Mayor, of any two members of the Board, or the Town Administrator, on at least forty-eight (48) hours written notice personally delivered to, or delivered to the residence of, each member of the Board and posted in **three (3) public places** within the Town and on the Town's website if feasible. A special meeting, however, may be held on shorter notice, but only after a reasonable attempt to provide actual notice to each Board member, if a quorum of the Board approves. No business shall be transacted at any special meeting of the Board unless it has been stated in the posted notice of such meeting.

SECTION 3.3. QUORUM AND ADJOURNMENT OF MEETING

A majority of the members of the Board in office at the time shall be a quorum for the transaction of business at all Board meetings but in the absence of a quorum a lesser number may adjourn any meeting to a later time or date. In the absence of all members, the Town Clerk may adjourn any meeting for not longer than two (2) weeks.

SECTION 3.4. MEETINGS OPEN TO THE PUBLIC; EXECUTIVE SESSIONS

1. All regular and special meetings of the Board, **except executive sessions as defined below**, shall be open to the public and citizens shall have a reasonable opportunity to be heard under such rules and regulations as the Board may prescribe.

2. Any meeting of the Board of Trustees may be recessed by a two-thirds vote of those present in order to hold an executive session, which shall be closed to the public, for any of the following purposes:

- (a) To consider documents or testimony given in confidence;
- (b) To determine a position relative to issues subject to negotiation, to receive reports on the progress and status of negotiations, to develop strategy, and to instruct negotiators;
- (c) To consider the purchase, sale or lease of property by the Town;
- (d) For matters of attorney-client privilege;
- (e) For matters required by federal or state law to be confidential;
- (f) For matters critical to the personal safety of members of the Board and for matters involving the protection and security of Town property.
- (g) For classified or confidential police matters, subject to criteria the Board may establish by ordinance.

(h) To consider personnel matters.

(i) To consider additional matters which are permitted to be the subject of an executive session, including, without limitation, what may be permitted under the Open Meetings Law, as the same may be amended from time to time, or under court decisions.

(j) To discuss evidence submitted in a quasi judicial proceeding.

3. No board, commission or committee of the Town shall hold an executive session, except in accordance with Subsection 2 above.

4. No final policy, final decision, resolution, rule, ordinance or regulation, and no action approving a contract or calling for the payment of money shall be adopted in an executive session.

SECTION 3.5. BOARD ACTS

The Board shall act only by ordinance, resolution or motion. All legislative enactments shall be in the form of ordinances and all other actions, subject to the provisions of Section 3.7 shall be in the form of resolutions or motions. A true copy of every resolution and ordinance adopted shall be numbered and recorded in the official records of the Town.

SECTION 3.6. VOTING, VOTING PROHIBITED WHEN

(a) Each member's vote on an ordinance or resolution shall be recorded in the minutes.

(b) Except where a greater number is required in this Charter, the final adoption of any ordinance, resolution or motion, shall require the affirmative vote of a majority of the members present. Passage of an ordinance shall require four (4) affirmative votes.

(c) No member of the Board shall vote on any matter concerning the member's own conduct.

(d) No member of the Board shall vote on any matter in which the member has a conflict of interest, as defined in Section 2.6.

(e) Except as provided in Subsections (c) and (d) of this section, each member of the Board who is present shall vote on each matter. Any refusal to vote, except when an abstention is required by Subsections (c) or (d) of this section, shall be recorded as an affirmative vote.

SECTION 3.7. ACTION BY ORDINANCE REQUIRED

In addition to such acts of the Board as are required by the Colorado Constitution or this Charter to be by ordinance, every act of the Board authorizing the borrowing of money, imposing a new tax or increasing a tax rate, or establishing a regulation for the violation of which a fine, imprisonment, or forfeiture may be imposed, shall be by ordinance.

SECTION 3.8. FORM OF ORDINANCE

(a) Every ordinance shall be introduced in printed form. The enacting clause of all ordinances shall be: BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF MORRISON, COLORADO:

(b) Except as otherwise provided in this Charter, all ordinances shall take effect thirty (30) days after publication following final adoption. Unless otherwise specifically provided in the ordinance, every ordinance shall be deemed to contain a severability clause whether stated therein or not.

SECTION 3.9. ORDINANCE ADOPTION PROCEDURE

(a) The following procedure shall be followed in adopting any ordinance except an emergency ordinance:

- (1) The ordinance shall be introduced by motion at a regular or special meeting of the Board of Trustees.
- (2) Before being introduced, an ordinance, except an emergency ordinance, shall have been posted in full in at least three places accessible to the public in the Town of Morrison, and posted in full on the Town internet website, at least 72 hours before its introduction, not counting an intervening Saturday or Sunday. Additionally, copies of the ordinance shall be available to the public at the meeting at which it is introduced.
- (3) The ordinance shall be read by title.
- (4) After the reading, and any discussion, the Board shall vote to amend, and adopt as amended, adopt, or reject the ordinance, or take such other action as it deems appropriate.
- (5) If the ordinance is adopted it shall be published as provided in Section 3.14.
- (6) Prior to taking final action on the ordinance, the Board of Trustees may permit public comment on the ordinance.
- (7) The ordinance shall be signed by the Mayor and attested by the Town Clerk, and affidavits of publication shall be retained with the ordinance in the Town's records.
- (8) An ordinance, except an emergency ordinance, shall be effective thirty days after adoption and publication in accordance with Section 3.14 below.
- (9) The above procedures for notice before introduction and public comment may be modified by the Board of Trustees to meet requirements of the Town or applicable state statute for notice and public hearing in specific matters.

SECTION 3.10. EMERGENCY ORDINANCES

(a) An emergency ordinance shall require the affirmative vote of three-fourths (3/4) of those present, but in no case less than five (5) affirmative votes. The facts showing the emergency shall be specifically stated in the ordinance. The Board of Trustees' determination of an emergency shall be conclusive.

(b) An emergency ordinance may be introduced and finally adopted at any regular or special meeting and shall not require posting prior to introduction and adoption. An emergency ordinance shall take effect upon final adoption or on such later date as specified in the ordinance. Following final adoption, an emergency ordinance shall be published in full as set forth in Section 3.14 below.

SECTION 3.11. CODIFICATION

The Board of Trustees shall cause ordinances of a general and permanent nature to be codified. The codification, or any revisions to the code, may be adopted by reference as provided in Section 3.12.

SECTION 3.12. ADOPTION OF CODES BY REFERENCE

The Board of Trustees may adopt, by ordinance, any code by reference. The procedure for adoption of a code by reference shall be as provided in the Colorado statutes applicable to the adoption of codes by reference, or such other procedure as the Board of Trustees may provide by ordinance. Every ordinance adopting a code by reference shall contain a notice that copies of the Code are available at the office of the Town Clerk. Any penalty clause in such a code may be adopted only if set forth in full in the adopting ordinance.

SECTION 3.13. PUBLIC RECORDS

All public records of the Town shall be open for inspection by any person in accordance with applicable Colorado law concerning public records.

SECTION 3.14. PUBLICATION

Wherever publication is required by this Charter, it shall mean posting in at least three (3) locations within the Town accessible by the public, at least one (1) of which shall be accessible twenty-four (24) hours per day, and contemporaneous posting on the Town's internet website. Locations for posting shall be designated in January of each year by the Board of Trustees.

The Board of Trustees may direct publication in a newspaper of general circulation within the Town by title only, title and summary, title and penalty provisions, or in full, at its discretion. Any publication less than in full shall advise where complete copies of the document can be obtained.

SECTION 3.15. FINES AND PENALTIES FOR ORDINANCE VIOLATIONS

Penalties for the violation of Town ordinances shall be established by ordinance. No fine or sentence for such a violation shall exceed the maximum established by the state statute for municipal ordinance violations.

ARTICLE 4.0 ELECTIONS

SECTION 4.1. COLORADO MUNICIPAL ELECTION LAWS ADOPTED

Town elections shall be governed by the Colorado Municipal Election Code and the Fair Campaign Practices Act as they now exist or are hereafter amended or modified except as otherwise provided by this Charter or by ordinance hereafter enacted.

SECTION 4.2 REGULAR ELECTIONS

Regular municipal elections shall be held on the first Tuesday in April of even numbered years. Any special municipal election may be called by resolution or ordinance at least thirty (30) days in advance of such election. The resolution or ordinance calling a special municipal election shall set forth the purpose of such election. Polling places for all municipal elections shall be open from 7:00 a.m. to 7:00 p.m. on election day.

SECTION 4.3. NONPARTISAN ELECTIONS

No candidate for any municipal office shall have a party affiliation listed on the ballot.

SECTION 4.4 ELECTION PRECINCTS

The Town shall constitute one voting precinct, provided that the Board may by ordinance, for the convenience of the registered electors, establish or abolish multiple precincts thirty (30) days or more prior to any election. The Board shall determine the maximum number of registered electors for each precinct and each precinct shall be as substantially equal in the number of registered electors as practicable.

SECTION 4.5 RECALL

(a) Any person holding elective office may be recalled at any time after six months in office, pursuant to the procedures set forth in this Charter and in those state statutes, as from time to time amended, which do not conflict with this Charter, or with ordinances adopted by the Town pursuant to this Charter, and which establish procedures for the recall of municipal elective officers.

(b) A recall petition shall be signed by registered electors of the Town equal in number to at least twenty-five percent of the entire vote cast at the last preceding regular election for the office to which the person sought to be recalled was elected, or in the case of a member of the Board of

Trustees, twenty-five percent of the vote for all candidates for Trustee divided by the number of Trustees elected at the last regular election.

(c) No signature on a recall petition shall be valid if signed on a date more than thirty days prior to the date the signed petition is filed with the Clerk.

(d) No separate recall election shall be held if a regular election is scheduled within ninety days after submission of the recall petition. The recall election shall be held at the same time as a regular election scheduled within ninety-days of submission of the recall petition. If the term of the official against whom recall is sought expires at the regularly scheduled election within 90 days, no recall election will be held.

(e) After one recall petition and election, no further petition shall be filed against the same person during the term for which such person was elected or appointed, unless the signers number at least fifty percent of the votes cast at the last preceding election for all candidates for the office held by such person, the number to be determined in the manner described in this section.

(f) Except as to requirements contained in this Charter and in the state statutes, as from time to time amended, applicable to the recall of municipal elective officers not inconsistent with this Charter or ordinances adopted pursuant to this Charter, the form, content, approval and other petition requirements in the municipal initiative statutes, as from time to time amended, shall apply as nearly as practicable to recall petitions.

ARTICLE 5.0 INITIATIVE AND REFERENDUM

SECTION 5.1. INITIATIVE.

(a) The registered electors of the Town may initiate a proposed ordinance, pursuant to the initiative power reserved by Article V, Section 1(9) of the State Constitution, as to any legislative matter which is subject to said initiative power. Any initiated measure shall be in the form of an ordinance of the Town. The ordinance shall be initiated pursuant to the State statutes which establish procedures for a municipal initiative, except as otherwise provided in this Charter or in ordinances not inconsistent with this Charter.

(b) An initiative petition shall be signed by registered electors of the Town equal in number to at least ten (10) percent of the total number of electors of the Town registered to vote in a Town election as of the date of the last regular election..

(c) The Town Clerk shall not count as valid any signature on an initiative petition if the date of the signature is prior to the date the form of the petition was approved by the Town Clerk.

(d) The Town Clerk shall not count as valid any signature on an initiative petition if more than ninety (90) days have elapsed between the date the form of the petition was approved by the Town Clerk and the date of the signature.

SECTION 5.2. REFERENDUM

(a) The registered electors may require an adopted ordinance to be referred to them at an election, pursuant to the referendum power reserved by Article V, Section 1(9) of the State Constitution, to the extent the ordinance constitutes a legislative matter which is subject to said referendum power. Such an ordinance shall be referred pursuant to the State statutes which establish procedures for a municipal referendum, except as otherwise provided in this Charter or ordinances not inconsistent with this Charter. The referendum power shall not apply to an emergency ordinance or to an Ordinance calling a special election.

(b) A referendum petition shall be signed by registered electors of the Town equal in number to at least ten (10) percent of the total number of electors of the Town registered to vote as of the date of the last regular election except as to referendum petitions pertaining to the award of a franchise, which shall be signed by five (5) percent of the registered electors of the Town as of the date of the last regular election.

(c) The Town Clerk shall not count as valid any signature on a referendum petition if the date of the signature is prior to the date the form of the petition was approved by the Town Clerk.

SECTION 5.3. BOARD REFERENDUM

The Board of Trustees shall have the power to submit to a vote of the registered electors of the Town, without receipt of any petition, any proposed or adopted ordinance or any question.

SECTION 5.4. PROHIBITED ACTION BY BOARD

(a) No initiated ordinance adopted by the registered electors of the Town may be substantively amended or repealed by the Board during a period of one (1) year after the date of the election on the initiated ordinance.

(b) No referred ordinance repealed by the registered electors of the Town may be readopted by the Board during a period of one (1) year after the date of the election on the referred ordinance

ARTICLE 6.0 LEGAL AND JUDICIARY

SECTION 6.1. TOWN ATTORNEY

The Board shall appoint a Town Attorney to serve at the pleasure of the Board. The Town Attorney shall be an attorney at law admitted to practice in Colorado. The Town Attorney shall be the legal representative of the Town and shall advise the Board and Town officials in matters relating to their official powers and duties and perform such other duties as the Board may

prescribe. The Board shall establish the compensation for the Town Attorney and any assistants or special counsel.

SECTION 6.2. JUDICIARY

(a) Municipal Court. There shall be a municipal court vested with jurisdiction of all cases arising under the ordinances of the Town and as may be otherwise conferred by statute or ordinance.

(b) Municipal Judges. The Municipal Court shall be presided over and its functions exercised by a judge or judges appointed by the Board for a specified term of not less than one year. The Board may reappoint the Municipal Judges for a subsequent term or terms, except that the initial appointment may be for a term of office which expires on the date of the organizational meeting of the Board after the next general election. Any vacancy in the office of a Municipal Judge shall be filled by appointment by the Board for the remainder of the unexpired term. The Board shall designate a presiding Municipal Judge who shall serve in such capacity during the term for which he was appointed.

(c) Qualifications. All Municipal Judges shall be attorneys admitted to practice in Colorado.

(d) Compensation. All Municipal Judges shall receive a salary or compensation set by the Board.

(e) Removal. During his term the Municipal Judge may be removed from office only for cause. The following, without limitation, shall constitute cause for removal:

- (1) Conviction of a felony or any other crime involving moral turpitude;
- (2) A disability which interferes with the performance of his duties and which is, or is likely to become, of a permanent character;
- (3) Willful or persistent failure to perform the duties of the office.

(f) Staff. The Board shall determine by ordinance the organization and staffing of the Municipal Court.

ARTICLE 7.0 TOWN ADMINISTRATION

SECTION 7.1. TOWN ADMINISTRATOR

The Board of Trustees may appoint a Town Administrator to serve at the pleasure of the Board. The Board shall by ordinance establish his duties, responsibilities, and authority.

SECTION 7.2 NON-INTERFERENCE

(a) No member of the Board shall dictate the appointment of any person to Town employment, nor the removal of any person from Town employment, except as may be provided by this Charter, nor in any other way interfere with such employment.

(b) Except for purposes of inquiry, each elected official shall deal with Town employees solely through the Town Administrator and no member of the Board shall give orders to any Town employee. The Board of Trustees may modify this principle by formally adopted motion, resolution or ordinance.

(c) No individual Board Member shall issue a directive or order to the Town Administrator. Such directives or orders shall be given as a whole by the Board.

SECTION 7.3. POWERS AND DUTIES OF THE TOWN ADMINISTRATOR

Unless modified by ordinance, the Town Administrator shall, under the general supervision of the Mayor, be responsible for the proper administration of all affairs of the Town placed in the Administrator's charge, and to that end shall have the following powers, duties and responsibilities:

(a) The Town Administrator shall be responsible for the enforcement of the laws, contracts and ordinances of the Town and the implementation of official policies and directives of the Board.

(b) The Town Administrator shall exercise supervision and control over all Town departments.

(c) The Town Administrator shall perform such other duties as may be prescribed by this Charter, by ordinance, by other applicable laws, or as may be required by the Board which are not inconsistent with this Charter.

SECTION 7.4. DEPARTMENTS

The Board of Trustees may by Ordinance establish and eliminate town departments and establish and define the authority and responsibility of each department head.

ARTICLE 8.0 BUDGET AND FINANCE

SECTION 8.1. FISCAL YEAR.

Unless otherwise provided by ordinance, the fiscal year of the Town shall begin on the first day of January and end on the last day of December of each year.

SECTION 8.2. BUDGET

(a) The Board of Trustees shall adopt an annual budget. Such budget shall present a complete financial plan by fund and by spending agency within each fund for the fiscal year and shall set forth the following:

(1) All proposed expenditures for administration, operations, maintenance, debt service, and capital projects to be undertaken or executed by any spending agency during the fiscal year;

(2) Anticipated revenues for the fiscal year;

(3) Estimated beginning and ending fund balances;

(4) The corresponding actual figures for the prior fiscal year and estimated figures projected through the end of the current fiscal year, including disclosures of all beginning and ending fund balances, consistent with the basis of accounting used to prepare the budget.

(5) A written budget message describing the important features of the proposed budget, including a statement of the budgetary basis of accounting used and a description of the services to be delivered during the fiscal year; and

(6) Explanatory schedules or statements classifying the expenditures by object and the revenues by source.

(b) The budget shall not provide for expenditures in excess of available or projected revenues and beginning fund balances.

(c) The Board of Trustees may modify the content of the budget and procedure for its adoption by ordinance.

(d) So long as required by §29-1-103 C.R.S., or other applicable law, the budget shall set forth, in a supplemental schedule, each of the following:

(1) The total amount to be expended during the ensuing fiscal year for payment obligations under all lease-purchase agreements involving real property;

(2) The total maximum payment liability of the Town under all lease-purchase agreements involving real property over the entire terms of such agreements, including all optional renewal terms.

(3) The total amount to be expended during the ensuing fiscal year for payment obligations under all lease-purchase agreements other than those involving real property; and

(4) The total maximum payment liability of the Town under all lease-purchase agreements other than those involving real property over the entire terms of such agreements, including all optional renewal terms.

SECTION 8.3. CAPITAL PROGRAM

(a) At the same time as the time of adoption of the budget by the Board, the Board shall adopt a five (5) year capital program which shall serve as a guide for the planning of capital improvements.

(b) The capital program shall include at least the following information:

- (1) A general summary of its contents;
- (2) A list of all capital improvements which are recommended to be undertaken, continued, or completed during the next five (5) fiscal years;
- (3) Cost estimates and methods and timing of financing the improvements; and
- (4) The estimated annual cost of operating and maintaining the improvements.

(c) The Board of Trustees may modify the requirements of a capital improvement program by ordinance.

SECTION 8.4. PUBLIC HEARING.

At such time and place as the Board of Trustees may direct, at least one (1) public hearing shall be held on the proposed budget and the recommended capital program before adoption. Notice of each public hearing and notice that the proposed budget is available for public inspection, shall be posted on the Town's internet website once **and** in such other manner as the Board may direct, seven (7) or more days before each hearing, and shall be posted in at least three (3) public places, at least one (1) of which is open to the public during evening hours.

SECTION 8.5. TOWN ACTION ON BUDGET.

(a) Unless another date is provided by ordinance, the Town shall adopt the budget, by resolution, on or before the date provided by law for certification of the ad valorem property tax levy. If the Town fails to adopt the budget by the required date, the amounts appropriated for the current fiscal year, together with any additional amounts necessary for payments of principal and interest on securities and other payment obligations, shall be deemed appropriated for the next fiscal year on a month-to-month basis, with all items in it prorated accordingly, until such time as the Town adopts the budget for the next fiscal year.

(b) Adoption of the budget shall constitute appropriation of the amounts specified therein as expenditures from the funds indicated, and shall constitute a levy of the ad valorem property tax therein provided. The Town shall cause the ad valorem property tax levy to be certified as provided by law.

(c) Unless as otherwise provided in this Charter or in ordinances not inconsistent with this Charter, procedures concerning supplemental appropriations, transfers, contingencies, and other