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# HOME RULE CHARTER

AS ADOPTED  
2008



City of Centennial

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# CITY OF CENTENNIAL HOME RULE CHARTER

## TABLE OF CONTENTS


<u>SECTION</u>	<u>PAGE</u>
CERTIFICATE OF ADOPTION	5
PREFATORY SYNOPSIS	6
PREAMBLE	7
<b>ARTICLE I      GENERAL PROVISIONS</b>	
Section 1.1.      Name and Boundaries.	7
Section 1.2.      Powers.	7
Section 1.3.      Rights and Liabilities.	7
Section 1.4.      Form of Government.	7
Section 1.5.      Definitions.	8
<b>ARTICLE II      ELECTIVE OFFICES</b>	
Section 2.1.      City Council and Mayor.	8
Section 2.2.      Limits on City Elective Offices.	9
Section 2.3.      Council Districts.	9
Section 2.4.      Terms of Office--City Elective Offices.	9
Section 2.5.      Mayor--Powers and Duties.	9
Section 2.6.      Mayor Pro-Tem.	10
Section 2.7.      Qualifications.	10
Section 2.8.      Vacancies.	10
Section 2.9.      Compensation.	11
Section 2.10.      Powers of City Council.	11
Section 2.11.      Oath of Office.	11
Section 2.12.      Standards of Conduct.	11
Section 2.13.      Removal from Office.	12
<b>ARTICLE III      MEETINGS OF CITY COUNCIL</b>	
Section 3.1.      Regular City Council Meetings.	12
Section 3.2.      Special Meetings.	12
Section 3.3.      Emergency Meetings.	12
Section 3.4.      Study Sessions.	12
Section 3.5.      Open Meetings.	12
Section 3.6.      Executive Sessions.	12
Section 3.7.      Quorum.	13
Section 3.8.      Procedures and Rules of Order.	13
Section 3.9.      Attendance Required.	13
<b>ARTICLE IV      POSTING OF MEETINGS</b>	13
<b>ARTICLE V      ELECTIONS</b>	
Section 5.1.      Laws Governing Elections.	13
Section 5.2.      Election Commission.	13
Section 5.3.      Municipal Elections.	13
Section 5.4.      Nonpartisan Elections.	14
Section 5.5.      Campaign Finance Reporting.	14
<b>ARTICLE VI      RECALL, INITIATIVE AND REFERENDUM</b>	
Section 6.1.      Right of Recall.	14
Section 6.2.      Right of Initiative.	14


Section 6.3.	Right of Referendum.	15
Section 6.4.	Procedures for Initiative and Referendum.	15
<b>ARTICLE VII</b>	<b>LEGISLATIVE ACTIONS</b>	
Section 7.1.	Legislative Actions.	15
Section 7.2.	Action by Ordinance.	15
Section 7.3.	Voting.	15
Section 7.4.	Form of Ordinance.	15
Section 7.5.	Procedure for Passage of Ordinances.	15
Section 7.6.	Procedure for Passage of Emergency Ordinances.	16
Section 7.7.	Enactment of Codes and Amendments Thereof by Reference.	16
Section 7.8.	Severability of Ordinances.	17
Section 7.9.	Official Records of Legislative Enactments.	17
<b>ARTICLE VIII</b>	<b>ADMINISTRATIVE AND OTHER OFFICIALS</b>	
Section 8.1.	Appointment and Qualifications of City Manager.	17
Section 8.2.	Absence of City Manager.	17
Section 8.3.	Dismissal of City Manager.	17
Section 8.4.	Powers and Duties of City Manager.	18
Section 8.5.	City Treasurer.	18
Section 8.6.	Finance Director.	18
Section 8.7.	City Clerk.	19
Section 8.8.	Relationship of City Council to Administrative Services.	19
<b>ARTICLE IX</b>	<b>JUDICIARY AND LEGAL</b>	
Section 9.1.	Municipal Court.	19
Section 9.2.	City Attorney.	20
<b>ARTICLE X</b>	<b>BOARDS AND COMMISSIONS</b>	
Section 10.1.	Right to Establish.	20
Section 10.2.	Membership.	20
Section 10.3.	Operations.	20
<b>ARTICLE XI</b>	<b>FINANCIAL MANAGEMENT</b>	
Section 11.1.	Revenue.	20
Section 11.2.	Prior Voter Approval.	21
Section 11.3.	Setting Fees for City Services.	21
Section 11.4.	Fiscal Year.	21
Section 11.5.	Proposed Annual Budget.	21
Section 11.6.	Budget Hearing.	21
Section 11.7.	Scope of Annual Budget.	21
Section 11.8.	Certification of Tax Levy.	22
Section 11.9.	General Fund.	22
Section 11.10.	Contingencies.	22
Section 11.11.	Special Funds.	22
Section 11.12.	Adoption of Budget and Appropriation.	22
Section 11.13.	Amendments to Appropriations.	22
Section 11.14.	Publicizing of Expenditures.	23
Section 11.15.	Capital Program.	23
Section 11.16.	Financial Management Committees.	23
Section 11.17.	Independent Audits.	24
<b>ARTICLE XII</b>	<b>BONDED INDEBTEDNESS</b>	25
<b>ARTICLE XIII</b>	<b>EMINENT DOMAIN</b>	
Section 13.1.	Eminent Domain Power.	25

Section 13.2.	Voting Standards for Exercising Power of Eminent Domain.	25
<b>ARTICLE XIV</b>	<b>FRANCHISES</b>	
Section 14.1.	Existing Franchises.	25
Section 14.2.	Term; Non-exclusivity.	25
Section 14.3.	Franchise Fees Not an Exemption.	25
<b>ARTICLE XV</b>	<b>MISCELLANEOUS PROVISIONS</b>	
Section 15.1.	Existing Legislative Actions and Determinations and Voter Approvals.	26
Section 15.2.	Continuation of Present Appointed Officers and Employees.	26
Section 15.3.	Existing Contractual Obligations.	26
Section 15.4.	Bequests, Gifts and Donations.	26
Section 15.5.	Contracts for Purchases, Leases, Services and Construction of Public Works.	26
Section 15.6.	Conveyance of Interests in Real Property.	26
Section 15.7.	Amendment.	27
Section 15.8.	Severability.	27
Section 15.9.	Interpretation.	27
Section 15.10.	Effective Date of Charter.	27

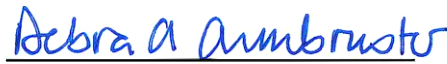
## CERTIFICATE OF ADOPTION OF PROPOSED HOME RULE CHARTER

The undersigned members of the City of Centennial Home Rule Charter Commission, under the authorization of Article XX of the Colorado Constitution and the Municipal Home Rule Act of 1971, do hereby certify that the following is the proposed Home Rule Charter as finally approved and adopted by the members of the Charter Commission on the 21<sup>st</sup> day of February, 2008. The Charter Commission members thank the citizens of Centennial for entrusting us with the privilege of drafting this Charter. We believe that the Charter reaches a reasonable balance allowing achievement of all the goals as stated in the Prefatory Synopsis. For this reason, we endorse this Charter and respectfully submit it to the voters at the Special Election to be held on Tuesday, June 10, 2008.

  
Cathy Noon, Chair

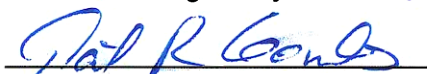
  
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Gerry Cummins, Secretary

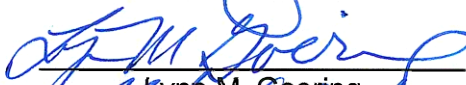
  
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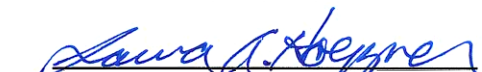
  
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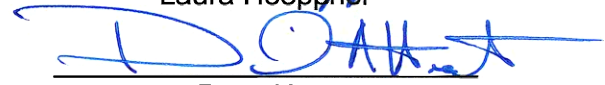
  
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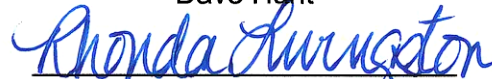
  
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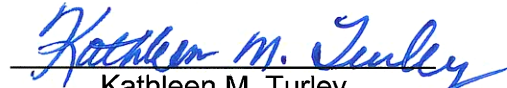
  
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designated alternate

## **PREFATORY SYNOPSIS**

On November 6, 2007, the citizens of Centennial, Colorado, voted to create a twenty-one (21) member Home Rule Charter Commission to propose a governance structure that would dissolve the current dependence on the state legislature and increase Centennial's ability to solve local issues at a local level. The government would be closer to the people of Centennial, more knowledgeable of and responsive to local needs and issues and subject to the direct oversight of its citizens.

In drafting this Charter, the Charter Commissioners studied the charters of many other Colorado cities, consulted with experts in city government, secured the opinions and views of citizens and employed legal counsel experienced in municipal law.

Commissioners assured that the following goals were accomplished:

- Governance processes will be open, transparent and responsive to the citizens.
- Elected officials will have processes that allow them to make decisions and act quickly and responsibly.
- Checks and balances will be in place to protect the citizens' right to be heard, to assure that issues are adequately researched and considered and that citizens have recourse if they disagree with decisions made by their elected representatives.
- City staff will function efficiently, effectively and professionally.
- The Charter promotes the flexibility needed for Centennial to grow, evolve and respond to future circumstances.

The vision of the Charter Commission has been to present a document that provides Centennial with a responsive and efficient government accountable to the citizens.

Key provisions of the proposed Charter:

- recognize the Council-Manager form of government, with flexibility in organizational structure to allow Centennial to adjust to new demands and changing circumstances as the City grows and prospers;
- require voter approval to implement or increase any city-collected tax, consistent with the Taxpayer's Bill of Rights ("TABOR"), regardless of whether TABOR may be repealed or amended at some future date;
- implement effective checks and balances by, among other actions, providing broad powers of recall, initiative and referendum;
- ensure responsible use of public funds and provide for the conduct of the City's business on a balanced budget basis; and
- establish a structure for the efficient and orderly conduct of the City government while also providing for and encouraging citizen participation in the affairs of the City.

The Commission believes that this Charter fosters a sound and lasting government, with the optimum interests of the citizens of Centennial being paramount.

## **PREAMBLE**

We, the citizens of Centennial, Colorado declare that the creation of our own Charter maintains the standard of self-determination that was central to our City's founding. We believe that the best government is the one closest to the people, depending not only on the individuals elected to City Offices, but also upon guiding principles, rules and procedures. We believe responsive and representative government depends upon personal responsibility, the right of citizens to redress grievances and the ability of citizens to make determinations when dictated by circumstances that will move their City in new directions.

This City Charter, created to serve the people of Centennial, frees us from being required to rely on the state legislature to dictate the central terms and conditions of our City. This Charter gives life to the essential nature of American citizenship. This document is dedicated to ensure such rights and duties to the people and to encourage citizen participation in our government for the proper and efficient progress of our city.

## **ARTICLE I GENERAL PROVISIONS**

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

The municipal corporation heretofore existing as the City of Centennial in Arapahoe 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 Centennial, 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 Centennial, 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.

**Section 1.5. Definitions.** The following terms as used in this Charter shall have the assigned meaning.

“City Council” shall mean the Mayor and the Councilmembers.

“City Elective Offices” shall mean the offices of City Council except as specifically addressed in this Charter.

“C.R.S.” shall mean the Colorado Revised Statutes.

“Emergency Ordinance” shall mean an Ordinance adopted in accordance with the provisions of Section 7.6 of this Charter and for which the City Council has determined that immediate effectiveness is necessary for the immediate preservation of the public peace, health or safety.

“Motion” shall mean a formal step to introduce a matter for consideration or action of the City Council on matters that are of a non-permanent nature that are adopted in a verbal form by a majority of the City Council present at a meeting of the City Council and reflected in the minutes of the meeting.

“Ordinance” shall mean a form of action of the City Council adopting laws or legislative enactments of a permanent nature or other actions required by this Charter to be by ordinance, which acts must follow the procedure for passage required by this Charter and shall include Ordinances adopted through the process of initiative as provided in this Charter.

“Quorum” shall mean a majority number of the members of City Council in office.

“Regular City Election” shall mean the election held pursuant to Section 5.2 (a) of this Charter.

“Resolution” shall mean a written form of action of the City Council on matters of a non-permanent nature that are effected through adoption by a majority of the City Council present at a meeting of the City Council.

“TABOR” shall mean the Taxpayer’s Bill of Rights as set forth in Article X, Section 20, of the Colorado Constitution, as may be amended from time to time.

## **ARTICLE II ELECTIVE OFFICES**

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

The City Council shall consist of the Mayor and eight (8) Councilmembers, one (1) of whom shall serve as Mayor Pro-Tem. Two (2) of the Councilmembers shall be elected from each of the four (4) 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 four (4) districts whose numeric identification and boundaries shall be the same as presently recognized for the four (4) wards of the City. 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 be contiguous and compact and shall have approximately the same number of voters.

(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 imposed by Article XVIII, §11 of the Colorado Constitution, as amended, shall govern term limits in the City.

**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 him 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, at a regular meeting in February of each year, elect one of its Councilmembers to serve as Mayor Pro-Tem for a term of approximately one (1) year, commencing and expiring at the first regular meeting of the City Council scheduled for March of each year. 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 his nomination and election or appointment, shall be a registered elector as defined by the laws of the State of Colorado, a primary resident and registered elector of the City and, for those holding the office of Councilmember, a primary resident of the district he represents. 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. For those holding the office of Councilmember, a person shall have resided within the district he represents for one (1) year immediately preceding election or appointment.

(b) Each person holding City Elective Office, either by election or by appointment, shall maintain his primary residency in the City and district (if elected by district), throughout his term of office. If any person holding City Elective Office shall move from the City or from the district (if elected by district), during his term of office, his 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 or perform personal services for the City for which such elected official is compensated other than as provided in this Charter.

(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 his term of office.

**Section 2.8. Vacancies.**

(a) An official shall continue to hold his City Elective Office until his 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, refuses to serve or is judicially declared incompetent or ceases to be a resident of the City and district (if elected by district).

(b) In the event of a vacancy in the office of Mayor, the City Council may fill the vacancy by appointment or order a special election as soon as practicable to fill the vacancy. If a vacancy is filled by appointment or special election, the person holding the office of Mayor following such appointment or special election shall hold such office only until the term of office of a successor elected at the next Regular City Election has commenced. The successor elected at the next regular election shall hold office for a term of four (4) years. The Mayor Pro-Tem shall have all powers and duties of the Mayor during any period of vacancy in the office of Mayor.

(c) In the event of a vacancy in the office of a Councilmember, the City Council may fill the vacancy by appointment or by calling for a special election as soon as practicable.

(1) If filled by appointment, the person appointed to fill the vacated office of Councilmember shall hold such office only until the term of office of a successor elected at the next Regular City Election has commenced. At the next Regular City Election, in order to retain staggered terms of office for Councilmembers, the successor elected to fill the office of Councilmember which was filled by appointment shall be nominated and elected to a term of either two (2) years or four (4) years.

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

#### **Section 2.9. Compensation.**

All persons holding City Elective Offices shall receive such compensation as currently in effect at the time of the effectiveness of this Charter and as may be amended from time to time by Ordinance; provided, however, that the compensation 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. All persons holding City Elective Offices may, upon order of the City Council, be paid their actual and necessary expenses incurred in the performance of their duties of office.

#### **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 may 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. To the extent not superseded by or conflicting with this Charter or such local

Ordinance, the City Council shall be governed by the Standards of Conduct as contained in Title 24, Article 18 of the C.R.S., as the same may be amended from time to time.

**Section 2.13. Removal from Office.**

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. No removal shall be made without notice to such elected official which contains the charge in writing and the facts upon which the charge is based and an opportunity of a hearing before the City Council, which hearing shall be held no sooner than ten (10) 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 on the oral request of two (2) or more members of City Council with at least twenty-four (24) hours notice to each member of the City Council and to the public, 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 consents. 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, citizens, City employees, owners of real property and operators of businesses within the City 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 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.**

In order for the City Council to conduct business, a Quorum shall be required at all meetings of the City Council except for study sessions. In the absence of a Quorum, a lesser number may reschedule any meeting to a later date and time.

**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.

**Section 3.9. Attendance Required.**

Three (3) or more unexcused absences by a member of the City Council in any one (1) calendar year shall constitute grounds for sanctions. The procedures for excusing absences, including which types of meetings require attendance hereunder and appropriate sanctions, shall be as set forth in the procedures and rules of order of the City Council, as may be amended from time to time.

## **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. Election Commission.**

The City Council shall by Ordinance establish an election commission with such powers, duties, terms and qualifications as provided by Ordinance.

**Section 5.3. 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 Arapahoe County coordinated election.

(b) Any special municipal election may be called by Resolution or Ordinance of the City Council at least thirty (30) 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 5.4 Nonpartisan Elections.**

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

**Section 5.5. Campaign Finance Reporting.**

Reports setting forth the information required by C.R.S. 1-45-108, as now in effect and as may be amended from time to time, shall be filed with the City Clerk forty-two (42), twenty-one (21) and eight (8) days before and thirty (30) days after any City election. Nothing contained herein shall preclude the City Council from adopting an Ordinance requiring more frequent campaign finance disclosure reporting. The City Council may provide by Ordinance for penalties for the violation of campaign finance disclosure requirements. The City Council shall provide by Ordinance for publicizing campaign finance disclosure reports.

**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 ninety (90) 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.

(d) After the first recall petition and election, a subsequent recall petition against the same officer in the same term shall be signed by registered electors entitled to vote for a successor to the incumbent in a number equal to at least fifty percent (50%) of the entire vote cast in the last preceding Regular City Election for all candidates for the office to which the incumbent sought to be recalled was elected.

**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) A petition for an Ordinance by initiative shall be signed in a number equal to at least five percent (5%) of the registered electors for Ordinances to be referred to a Regular City Election and shall be signed in a number equal to at least fifteen percent (15%) of the registered electors for Ordinances to be referred to a special municipal election.

(c) After a final determination of petition sufficiency, the City Council shall have thirty-five (35) 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 five percent (5%) 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 LEGISLATIVE ACTIONS**

**Section 7.1. Legislative Actions.**

The City Council shall act only by Ordinance, Resolution or Motion.

**Section 7.2. Action by Ordinance.**

In addition to such acts of the City Council as are required by other provisions of this Charter to be by Ordinance, every act authorizing borrowing of money, levying any new tax, increasing any existing tax, creating new taxing authorities, increasing existing franchise fees, creating new franchise fees or establishing any rule or regulation for the violation of which a penalty is imposed, shall be by Ordinance.

**Section 7.3. Voting.**

For passage, every Ordinance shall require the affirmative roll call vote by "Yes" of a majority of the City Council present, except that Ordinances authorizing borrowing of money, creating new taxing authorities, increasing existing franchise fees, creating new franchise fees or referring to the voters any levy of any new tax or increase of any existing tax, shall require the affirmative roll call vote by "Yes" of a majority of the City Council. Except as otherwise specifically provided in this Charter, Resolutions and Motions shall require the affirmative vote of a majority of the City Council present in such form as set forth in the procedures and rules of order of the City Council, as may be amended from time to time. 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 or is without sufficient information upon which to base a vote due to absence, which shall be disclosed at the introduction of the matter or as soon as the conflict is discovered.

**Section 7.4. Form of Ordinance.**

The enacting clause of all Ordinances shall be: "THE CITY COUNCIL OF THE CITY OF CENTENNIAL, 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. Introduction and first reading may be by placement on the City Council's consent agenda for such meeting.
- (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.
- (d) Public hearing.
- (e) Roll call vote of the City Council.
- (f) Any Ordinance may be amended before final passage by a roll call of the City Council.
- (g) After final passage, publicizing in accordance with the requirements, methods and procedures for publicizing Ordinances as adopted by the City Council by Ordinance. Whenever possible, publicizing shall be within ten (10) days after final passage.
- (h) 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 7.6. Procedure for Passage of Emergency Ordinances.**

Emergency Ordinances for which immediate effectiveness is deemed necessary for the immediate preservation of the public peace, health or safety, shall take effect immediately upon passage by an affirmative roll call vote of three-fourths (3/4) of the members of the City Council in office at the time of such vote and shall require two (2) readings at meetings of the City Council, with a public hearing prior to the final vote of the City Council. Publicizing shall be as soon as possible, but in any event no later than ten (10) days after passage, in accordance with the procedures and methods for publicizing as adopted by the City Council by Ordinance. The City Council may not create new taxing authorities, increase existing franchise fees, create new franchise fees or refer to the voters the levy of any new taxes or increases of any existing tax rates, by Emergency Ordinance. Subject to these limitations, a recitation in any Emergency Ordinance that the City Council deems the passage of said Ordinance to be for the immediate preservation of public peace, health or safety shall be conclusive.

**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 usual



manner without strict compliance with the requirements relative to notices and public hearings.

**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.

**Section 7.9. Official Records of Legislative Enactments.**

(a) A true copy of every Resolution as hereafter adopted shall be numbered and recorded in the official records of the City.

(b) 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.

(c) The City Council shall cause the permanent Ordinances to be codified. Such codification may be of the entire body of permanent Ordinances or of the Ordinances on some particular subject and may be reenacted by the City Council or authenticated in such other manner as may be designated by Ordinance. Subsequent codification shall be updated as deemed necessary by the City Council.

**ARTICLE VIII  
ADMINISTRATIVE AND OTHER OFFICIALS**

**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, including residency requirements, if any, as may be set by the City Council by Ordinance. 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.

**Section 8.2. Absence of City Manager.**

The City Manager shall designate by letter filed with the City Clerk, a qualified administrative City employee to perform the City Manager's duties during a temporary absence or disability. In the event of a failure of the City Manager to make such a designation, the Mayor may designate a qualified administrative City employee to perform the duties of the City Manager until the City Manager returns or the disability ceases.

**Section 8.3. 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 8.4. 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; and
- (e) Performing such other duties as set forth in the Ordinances of the City or by direction of the City Council.

**Section 8.5. City Treasurer.**

- (a) The office of Treasurer shall terminate upon the completion of the term of office of the currently elected Treasurer or in the event of a vacancy in the office of Treasurer, whichever occurs first.
- (b) Until such time as the office of Treasurer is terminated in accordance with this Charter, the Treasurer shall perform such duties as may be prescribed by the City Council by Ordinance.

**Section 8.6. Finance Director.**

- (a) The City Manager shall hire a chief financial officer or director ("Finance Director") who shall serve at the pleasure of the City Manager.
- (b) The Finance Director shall have the custody of all monies and all evidences of indebtedness belonging to the City or held in trust by the City.
- (c) The Finance Director shall prepare and present regular reports to the City Council outlining the current financial position of the City and seeking approval of City financial and budgetary matters in accordance with this Charter and the Ordinances and policies of the City.
- (d) The Finance Director shall collect all monies for the City, the collection of which is not provided for elsewhere by Charter or Ordinance. The Finance Director shall receive from other officers and employees of the City all monies belonging to and receivable by the City and collected by such officers and employees, including fines, license fees, taxes, assessments and all other charges. All monies shall be turned over to the Finance Director promptly after collection or receipt.

(e) The Finance Director shall keep and deposit all monies or funds in such manner and only in such places as the City Council may determine. The City Council shall form committees to advise the City Council on audit and investment matters as otherwise set forth in this Charter. The Finance Director shall be a member of and advisor to such committees.

(f) The Finance Director shall disburse all City funds in accordance with the provisions of this Charter and procedures established by the City Council.

(g) The Finance Director shall perform such other duties as may be prescribed by the City Manager.

#### **Section 8.7. City Clerk.**

(a) The office of elected City Clerk shall terminate upon the completion of the term of office of the currently elected City Clerk or in the event of a vacancy in the office of elected City Clerk, whichever occurs first. Until such time as the office of elected City Clerk is terminated in accordance with this provision, the elected City Clerk shall perform such duties as may be prescribed by City Council by Ordinance.

(b) Upon termination of the office of elected City Clerk in accordance with this Charter, the City Manager shall hire a City Clerk who shall serve at the pleasure of the City Manager. The employed City Clerk shall have those powers and duties as mandated by Charter or Ordinance, or as assigned by the City Manager or the City Manager's designee.

#### **Section 8.8. 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 solely through the City Manager or the City Manager's designee 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 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. The City Council shall provide a suitable place and all supplies and personnel necessary for the proper functioning of the Court.

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

(c) 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 a majority 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 shall have the minimum number of years of experience in the practice of law as may be set forth by Ordinance or Resolution.

(c) The City Attorney may supervise one (1) or more assistant attorneys to handle any matter in which the City has an interest or to assist and counsel with the City Attorney therein.

**ARTICLE X  
BOARDS AND COMMISSIONS**

**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 by the City Council in accordance with an Ordinance setting forth the number of members, qualifications, terms, appointment procedures and compensation, if any, for each board, commission or committee. Members shall serve at the pleasure of the City Council and may be removed at any time, with or without cause, by an affirmative vote of six (6) members of the City Council. The Mayor shall make appointments to fill vacancies for the unexpired terms.

**Section 10.3. Operations.**

Each board, commission and committee shall choose its own chairman and shall adopt its own rules and procedures for the proper conduct of its business. Boards, commissions and committees created hereunder shall exercise the functions and powers and perform the duties assigned by this Charter or by the Ordinances or Resolutions of the City.

**ARTICLE XI  
FINANCIAL MANAGEMENT**

**Section 11.1. Revenue.**

Subject to applicable limitations in the Colorado Constitution (including without limitation applicable provisions of TABOR) 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 TABOR 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 by considering the 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 on or before the twentieth (20<sup>th</sup>) day of September of each year.

**Section 11.6. Budget Hearing.**

The City Council shall hold a public hearing on the proposed budget each year. Notice of the time and place of such hearing shall be published at least once seven (7) days prior to such hearing and copies of the proposed budget shall be made available to the public by depositing them in the office of the City Clerk and by publicizing in accordance with an Ordinance adopted by the City Council. The City Council may at any time before final adoption increase, decrease, add or strike out any item in the budget.

**Section 11.7. Scope of Annual Budget.**

(a) The budget adopted by the City Council shall contain:

- (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;
- (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; and
- (6) a balance between the total estimated expenditures, including any deficit to be met and monies set aside for public improvements and total anticipated revenue, plus any surplus.

(b) 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. If the City Council should fail in any year to make such levy as above provided, the rate last fixed shall be the rate for the ensuing fiscal year, which rate shall be levied as provided 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. Contingencies.**

The general fund shall contain a line item for contingencies.

**Section 11.11. 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 11.12. 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 an Ordinance or 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 in the office of the City Clerk and shall be publicized in accordance with an Ordinance adopted by the City Council. If the City Council fails to adopt a budget by this date, the amounts appropriated for the operation of the various departments of the City during the prior fiscal year shall be deemed adopted for the current fiscal year on a month to month basis, with all items prorated accordingly until such time as the City Council adopts the budget for the current fiscal year.

**Section 11.13. Amendments to Appropriations.**

(a) The City Council may make additional appropriations by Ordinance or Resolution during the fiscal year for unanticipated expenditures required of the City, but such additional appropriations shall:

(1) not exceed the amount by which actual and anticipated revenues of the year are exceeding the revenues as estimated in the budget, unless the appropriations are necessary to relieve an emergency endangering the public peace, health or safety;

(2) be authorized only following a public hearing prior to the vote of the City Council; and

(3) require an affirmative vote of a majority of the City Council.

(b) If at any time during the fiscal year it appears probable to the City Manager that the revenues available will be insufficient to meet amounts appropriated, the City

Manager shall provide a report to the City Council without delay indicating the estimated amount of deficit and recommendations as to any steps to be taken. The City Council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by Ordinance or Resolution reduce one or more appropriations.

**Section 11.14. Publicizing of Expenditures.**

Expenditures authorized to be made need not be published, but the City Clerk shall maintain a record on file of same, which shall at all times be available for public inspection and shall publicize the same in accordance with an Ordinance adopted by the City Council.

**Section 11.15. 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. The capital program shall include:

- (1) a clear general summary of its contents;
- (2) identification of the long-term goals of the City;
- (3) a list of all capital improvements and other capital expenditures which are proposed to be undertaken during the fiscal years next ensuing, with appropriate supporting information as to the necessity for each;
- (4) cost estimates and recommended time schedules for each improvement or other capital expenditure;
- (5) the method of financing each capital expenditure;
- (6) the estimated annual cost of operating and maintaining the facilities to be constructed or acquired;
- (7) a commentary on how the plan addresses the environmental and economic sustainability of the City and the regional community of which it is a part; and
- (8) the methods to measure outcomes and performance of the capital plan related to the long-term goals of the community.

(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 in the office of the City Clerk and shall be publicized in accordance with an Ordinance adopted by the City Council.

**Section 11.16. Financial Management Committees.**

(a) There shall be created an audit committee which shall be comprised of the Mayor, a Councilmember appointed by the City Council, the City Manager, the Finance Director, a staff member appointed by the Finance Director, the City Attorney and two

City residents with relevant business experience appointed by the City Council. The audit committee shall:

- (1) periodically review recommendations of staff based on the City's process for requesting proposals and interview to select an auditor or auditing firm to perform the annual audit required by this Charter or other audit(s) that the City Council may request pursuant to the authority in this Charter;

- (2) receive and review the findings and reports of such auditor(s); and

- (3) present the annual or other audit report(s) to the City Council.

(b) There shall be created an investment committee that shall be comprised of the Mayor, a Councilmember appointed by City Council, the City Manager, the Finance Director, a staff member appointed by the Finance Director and two City residents with relevant business experience appointed by the City Council. The investment committee shall:

- (1) recommend to the City Council for adoption an investment policy of the City to ensure that City funds will be invested in accordance with Part 6 of Article 75 of Title 24, C.R.S., as may be amended from time to time, and to set policy for management of City funds to attain stated investment goals;

- (2) routinely review the investment policy and make recommendations to City Council for revisions when deemed necessary;

- (3) receive reports from the City Finance Director on the performance of the City's investments as measured against the investment policy; and

- (4) periodically report to the City Council on the performance of the City's investments, which reports shall be publicized in accordance with an Ordinance adopted by the City Council.

(c) The City Council may by Ordinance establish a budget committee with citizen representation with powers, duties, terms and qualifications of members as provided by Ordinance.

#### **Section 11.17. 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 and selected by the audit committee as required by this Charter. The City Council may provide for more frequent audits as deemed necessary. 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 or of any member of the audit committee. 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 or review and publicized in accordance with an Ordinance adopted by the City Council.



## **ARTICLE XII BONDED INDEBTEDNESS**

The City may, subject to applicable limitations in the Colorado Constitution (including without limitation applicable provisions of TABOR), borrow money or enter into other obligations and issue securities or other evidences of such obligations in such form and manner as determined by the City Council to be in the best interests of the City.

## **ARTICLE XIII EMINENT DOMAIN**

### **Section 13.1. Eminent Domain Power.**

The City shall have the power of eminent domain, within and without the limits of the City, for public purposes as provided by the Constitution of the State of Colorado, as now in effect and as may be amended from time to time. In invoking the power of eminent domain, the City Council shall recognize that the taking of private property for a public purpose is a serious action that should be invoked only after careful consideration of its effect on the rights of affected property owners. Whenever the City Council exercises the power of eminent domain by Ordinance, the Ordinance shall recite and thoroughly describe the public purpose for such action.

### **Section 13.2. Voting Standard for Exercising Power of Eminent Domain.**

Any Ordinance authorizing the exercise of the power of eminent domain by the City shall require 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.

## **ARTICLE XIV FRANCHISES**

### **Section 14.1. Existing Franchises.**

All franchise Ordinances of the City in effect at the time that this Charter is adopted shall remain in full force and effect, according to their provisions and terms, until the expiration date provided in such Ordinances.

### **Section 14.2. Term; Non-exclusivity.**

No franchise shall be granted for a period of longer than twenty (20) years. Upon the expiration of any franchise, the right to use the public streets, ways or places granted thereby shall cease unless a new or extended franchise is granted. No exclusive franchise shall ever be granted.

### **Section 14.3. Franchise Fees Not an Exemption.**

Nothing contained herein shall exempt any grantee or assignee of a franchise from any lawful assessment upon such grantee's property or from any lawful licenses, charges or other impositions levied by the City Council not related to the franchise privilege. Failure to pay any franchise fee may result in forfeiture of the franchise at the option of the City Council.

## **ARTICLE XV MISCELLANEOUS PROVISIONS**

### **Section 15.1. Existing Legislative Actions and Determinations and Voter Approvals.**

All prior actions, including Resolutions, Ordinances, bylaws and rules and regulations taken by the City Council or bylaws, rules or regulations or decisions or determinations adopted by any appointed board, authority or commission of the City, are hereby ratified and approved and shall be considered the lawful action of said City Council or board, authority or commission. All Ordinances and Resolutions of the City in force at the time this Charter becomes effective shall continue in force except insofar as they conflict with the provisions of this Charter, or shall be amended or repealed by Ordinance enacted under authority of this Charter. In the event of any apparent inconsistencies between this Charter and said Ordinances or Resolutions, this Charter shall prevail. Any voter approvals affecting any actions of the City in force at the time this Charter becomes effective shall continue in force and effect except insofar as they conflict with the provisions of this Charter.

### **Section 15.2. Continuation of Present Appointed Officers and Employees.**

All employees and appointed officers and all board, commission, committee or authority members of the City at the time of the effectiveness of this Charter shall continue in such employment or office under the terms of the original employment or appointment. Nothing contained herein shall alter any employee's status from that of an at-will employee or alter the status of any appointed official originally appointed to serve at the pleasure of the City Council.

### **Section 15.3. Existing Contractual Obligations.**

This Charter shall not affect any contractual relationships of the City existing on the effective date of this Charter, including, but not limited to, any contractual relationship between the City and any officer or employee by reason of any retirement and pension plans in effect.

### **Section 15.4. Bequests, Gifts and Donations.**

The City Council, on behalf of the City, may receive bequests, gifts and donations of all kinds of property in fee simple or in trust, for public, charitable or other purposes, and do all things and acts necessary to carry out the purposes of such bequests, gifts and donations, with the power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of the bequest, gift or trust.

### **Section 15.5. Contracts for Purchases, Leases, Services and Construction of Public Works.**

The City Council may establish by Ordinance the procedure for entering into contracts for purchases, contracts for leases, contracts for services and contracts for construction of public works.

### **Section 15.6. Conveyance of Interests in Real Property.**

The City Council by Ordinance may purchase, sell or exchange any fee interest in real property. Any conveyance of real property interests less than a fee interest shall be effected in the manner as set forth by Ordinance adopted by the City Council.

**Section 15.7. Amendment.**

This Charter may be amended in the manner provided by Article XX of the Constitution of the State of Colorado at any general election or special election called for such purpose (1) upon questions that may be submitted to the electors by a majority of the City Council or (2) upon questions that may be submitted by the electors. Unless the procedures are amended by the City Council by Ordinance, the Charter may be amended in accordance with the procedures set forth in State statute. If provisions of two (2) or more proposed amendments adopted or approved at the same election conflict, the amendment receiving the highest affirmative vote shall become effective.

**Section 15.8. Severability.**

If any provision, article, section, sentence, clause or part of this Charter, or the application thereof to any person or circumstances be held by any court of competent jurisdiction to be unconstitutional or invalid, such holding shall not affect, impair or invalidate the Charter as a whole or any part hereof other than the part so held to be invalid, and to this end the provisions of this Charter are declared to be severable.

**Section 15.9. Interpretation.**

Where any question exists as to the meaning of any portion of this Charter, it shall be interpreted consistently with the Charter's purpose to reserve to the City and its citizens the broadest possible powers of home rule and self-government available under the Constitution, as limited only by the specific language of this Charter and the Constitution of the State of Colorado. Whenever the wording of this Charter refers to either the masculine or feminine gender, it shall be interpreted to apply equally to persons of either gender and is used gender specifically only for administrative convenience.

**Section 15.10. Effective Date of Charter.**

This Charter shall become effective immediately upon voter approval and canvassing at a regular or special election held for the purpose of considering this Charter.