

**HOME RULE CHARTER**

**for the**

**CITY OF CRAIG, COLORADO**

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# HOME RULE CHARTER

## TABLE OF CONTENTS

### PREFATORY SYNOPSIS

### PREAMBLE

### ARTICLE I NAME, BOUNDARIES, POWERS, RIGHTS AND LIABILITIES

- Section 1 Name, Boundaries
- Section 2 Powers, Rights, Liabilities

### ARTICLE II CITY COUNCIL

- Section 1 Membership
- Section 2 Qualifications of Members
- Section 3 Salaries of Members
- Section 4 Mayor
- Section 5 Powers
- Section 6 Vacancies
- Section 7 Meetings, Quorum
- Section 8 City Clerk
- Section 9 Council Not to Interfere With  
Administrative Functions
- Section 10 Licenses, Permits
- Section 11 Bonding
- Section 12 Ordinances, Resolutions and Motions
- Section 13 Publication of Ordinances
- Section 14 Effective Date of Ordinances
- Section 15 Amendment or Repeal
- Section 16 Record of Ordinances
- Section 17 Proof of Charter and Ordinances
- Section 18 Recodification and Revision
- Section 19 Present Ordinances Continue in Force

### ARTICLE III DEPARTMENTS OF CITY GOVERNMENT

- Section 1 City Manager
- Section 2 Departments Created
- Section 3 Boards and Commissions
- Section 4 Oath of Office
- Section 5 Records to Be Public

### ARTICLE IV MUNICIPAL COURT

- Section 1 Municipal Court
- Section 2 Penalty for Violation
- Section 3 Appeal

### ARTICLE V CITY ATTORNEY

- Section 1 Appointment
- Section 2 Qualifications
- Section 3 Special Counsel

**ARTICLE VI ELECTIONS**

- Section 1 Conduct of Elections
- Section 2 City Elections
- Section 3 Law Governing Elections
- Section 4 Statement of Expenses

**ARTICLE VII FINANCE ADMINISTRATION**

**PART I - Budget and Financial Control**

- Section 1 Fiscal, Budget, and Accounting Year
- Section 2 Annual Budget Estimates
- Section 3 Public Record, Hearing
- Section 4 Adoption of Budget
- Section 5 Annual Appropriations
- Section 6 Levy
- Section 7 No Unbudgeted Liability
- Section 8 Effect of Appropriation and Levy
- Section 9 Lapsed Appropriations
- Section 10 Deposit of Public Funds
- Section 11 Collection of Taxes
- Section 12 Audit and Payments
- Section 13 Expense Appropriation and Enterprise Fund Transfers
- Section 14 Appropriation of Excess Revenue and Transfers of Appropriations
- Section 15 Appropriations Forbidden
- Section 16 City Not to Pledge Credit
- Section 17 Reports and Publication
- Section 18 Appropriations Not to Exceed Revenue
- Section 19 Bonds, Interest, Sale
- Section 20 Powers and Duties
- Section 21 Separate Utilities Accounts
- Section 22 Responsibility for Funds
- Section 23 General Fund, Expenditures
- Section 24 Special Funds, Expenditures
- Section 25 Outgoing Officers and Employees

**PART III - Purchases**

- Section 26 City Property
- Section 27 Competitive Bidding
- Section 28 Emergency Purchases
- Section 29 Contracts for Improvements Exceeding \$50,000
- Section 30 Financial Interest Prohibited
- Section 31 Contracts for Service
- Section 32 Contracts Effective Only When Bond Funds Available

**ARTICLE VIII FRANCHISES AND PUBLIC UTILITIES**

- Section 1 Granting of Franchises
- Section 2 Right of Purchase
- Section 3 Powers and Regulations
- Section 4 Review

**ARTICLE IX**            **EMINENT DOMAIN**  
Section 1            Powers of City

**ARTICLE X**            **INITIATIVE, REFERENDUM AND RECALL**  
Section 1            Definition of Initiative and Referendum  
Section 2            Scope of Ordinances  
Section 3            Recall  
Section 4            Commencement of Proceedings  
Section 5            Duty of Clerk  
Section 6            Petitions  
Section 7            Submission of Petitions  
Section 8            Examination by Clerk  
Section 9            Certification to the Council  
Section 10           Publication and Form of Ballot  
Section 11           Effect of Election on Recall  
Section 12           Submission by Council

**ARTICLE XI**           **ANNEXATION**  
Section 1            Requirements

**ARTICLE XII**           **GENERAL, MISCELLANEOUS AND TRANSITIONAL PROVISIONS**  
Section 1            Charter Amendments  
Section 2            Effective Date of Charter  
Section 3            Penalties for Violation of Charter  
Section 4            Prior City Legislation  
Section 5            Duties of Officers and Employees  
Section 6            Outstanding Bonds and Indebtedness  
Section 7            Construction of Words  
Section 8            Construction of Charter  
Section 9            Saving Clause

**ARTICLE XIII**        **DEFINITIONS**

**CHARTER INDEX**

**CHARTER AMENDMENTS**

## **PREFATORY SYNOPSIS**

### **Article I Name, Boundaries, Powers, Rights and Liabilities**

This article provides for the naming of the City. It provides for the creation of its boundaries as provided by law and provides for the seal of the City. This Article provides a general description of home rule powers, rights and liabilities.

### **Article II City Council**

This article provides for the organization and qualifications of the City Council. This Article also outlines the powers and duties of the City Council. Existing term limits remain in effect. Salaries of the Mayor and Council may now be established by ordinance, but changes do not become effective until the commencement of the terms of council members elected in the next regular election. An addition is that the Mayor must deliver an annual state of the City message. Ordinance procedures are generally retained except that procedures for emergency ordinances have been added.

### **Article III Departments of City Government**

This article establishes the office of City Manager and other departments of the City such as Police, Public Utilities, Finance, Public Works, and Parks and Recreation. The creation of advisory boards and commissions is also provided for in the article.

### **Article IV Municipal Court**

This article provides for the Municipal Court and for the qualifications and function of the Municipal Court Judge. Maximum fines and imprisonment amounts have been raised to 180 days and \$1,000.

### **Article V City Attorney**

This article provides for the qualification and appointment of the City Attorney.

### **Article VI Elections**

Current municipal election procedures are generally retained in this article. Reference to the election laws of the State of Colorado has been added. Campaign expense limits have been raised from \$250 to \$500. In addition, the Colorado Fair Campaign Practices Act has been added for the conduct of municipal campaigns.

### **Article VII Finance Administration**

This article sets forth the procedures for adoption of the annual budget. Most provisions remain unchanged. Some pre-Tabor provisions that no longer apply were eliminated. The powers and duties of the Finance Director were amended to make it clear the position reports to the City Manager. Purchasing procedures largely remain unchanged, although the performance bond requirement for contracts has been raised to \$50,000 making the Charter consistent with State law.

#### **Article VIII Franchises and Public Utilities**

Much of the language in this article was deleted since franchise regulations are extensively covered by State law. This article now is a brief summary of the City's authority to grant franchises. The maximum term of a franchise agreement is 25 years.

#### **Article IX Eminent Domain**

This is an area of the law that over the past several years has been changing at both the state and federal levels, both by the legislatures and the courts. Therefore, much of the language in this article has been removed since the City will be governed by legislation and case law in the future. The general authority of eminent domain, condemnation, and payment of just compensation is provided for in this article.

#### **Article X Initiative, Referendum and Recall**

This article provides a general description of the Initiative, Referendum, and Recall procedures as provided in State law and as required by the State Constitution. Initiative petitions are required to have no fewer than 15% of the total number of registered electors within the City. Referendum petitions are required to have no fewer than 10% of the total number of registered electors within the City. Recall petitions are required to have no fewer than 25% of the total vote cast at the last municipal election.

#### **Article XI Annexation**

This article provides for annexation in accordance with procedure and requirements of State law. A section was deleted that required dedication of streets, alleys, recreation areas, schools, etc. prior to annexation. Often, undeveloped vacant property is annexed and these dedications are made after annexation as the property is subdivided and developed.

#### **Article XII General, Miscellaneous and Transitional Provisions**

This article provides for the way in which the Charter may be amended, the effective date of the Charter, penalties for Charter violations, and for the continuance of all current ordinances, resolutions, rules, regulations, policies and procedures not inconsistent with this Charter. This article also provides for the continuation of the Mayor and Council members. Lastly, there is savings clause included which among other things declares that the adoption of this Charter will not destroy any property right, contract right, or right of action of any nature or kind.

#### **Article XIII Definitions**

This article has been added to provide definitions of terms used in the Charter.

## **PREAMBLE**

We the people of the City of Craig, under the constitution and laws of the State of Colorado, in order to secure the benefits of local self-government and to provide for an honest and accountable council-manager government do hereby adopt this charter and confer upon the city the following powers, subject to the following restrictions, and prescribed by the following procedures and governmental structure. By this action, we secure the benefits of home rule and affirm the values of representative democracy, professional management, strong political leadership, citizen leadership, citizen participation and regional cooperation.

## **Article I**

### **NAME, BOUNDARIES, POWERS, RIGHTS AND LIABILITIES**

#### **Section 1. Name, Boundaries.**

The citizens of Craig, in the County of Moffat, State of Colorado, within the boundaries of the municipal corporation as now established or as hereafter established in the manner provided by law, shall continue to constitute a body corporate and politic in perpetual succession under the name of the City of Craig, as a home rule municipal corporation under Article XX of the Constitution of the State of Colorado. The official seal for the City shall consist of the word "SEAL" surrounded by the words "City of Craig, Colorado."

#### **Section 2. Powers, Rights, Liabilities.**

(a) The City of Craig shall have all powers possible for cities, towns, and municipalities to have under the constitution and laws of the State of Colorado as fully and completely as though they were specifically enumerated in this charter. The enumeration of particular powers under this charter is not exclusive of others to including but not limited to the following.

(b) The City of Craig may sue and defend, plead and be impleaded, in all courts and places, and in all matters and proceedings, may have and use a common seal and alter the same at pleasure; may purchase, receive, hold and enjoy, or sell and dispose of, real and personal property. The City may receive bequests, gifts and donations of all kinds of property, in fee simple, or in trust for public charitable and other purposes and do all things and acts necessary to carry out the purpose of such gifts, bequests and donations, with power to manage and sell, lease or otherwise dispose of the same in accordance with the terms of the gift, bequest or donation.

(c) The municipal government provided by this Charter shall be the council-manager form of government. All powers of the City shall be vested in its elective officers, subject to the distribution and delegation of such powers as are provided in this Charter or by ordinance. (Amended by Charter Amendment 1 approved by voters in September 1991)

(d) The legislative, executive and judicial powers of the City shall extend to all matters of local and municipal government, it being the intent hereof that the specifications of particular powers by any other provision of this Charter shall never be construed as impairing the effect of the general grant of powers of local government hereby bestowed. (Amended by Charter Amendment approved by voters in September 1983)

## **Article II**

### **CITY COUNCIL**

#### **Section 1. Membership.**

The Council shall have six Council members who shall be officers of the City, elected from the City at large in the manner provided in Article VI for terms of four years each or until their successors have been elected and have taken the oath of office. Council members elected on the first Tuesday of April in 1997 and thereafter shall assume their duties at the next regular Council meeting following their election. (Amended by Charter Amendment approved by voters in September 1983; amended by Resolution No. 3 passed by voters 9/26/95)

#### **Section 2. Qualifications of Members.**

No person shall be eligible to hold office as council member unless at the time of his/her election he/she be a citizen of the United States, at least twenty-five years of age, and shall have been for one year immediately preceding such election a resident of the City. Only registered voters of the City shall be eligible to hold the office of council member or mayor.

No member of the Council shall hold any other municipal office or employment for which compensation is paid from City funds and shall be deemed to have resigned such other municipal office or employment upon taking the oath of office as a member of Council. No person shall be elected or appointed to any City office, position, or employment for which the compensation was increased or fixed by the Council while he was a member thereof until after the expiration of one year from the date when he ceased to be a member of the Council. (Amended by Charter Amendment 2, adopted 9/25/1979; amended by Charter Amendment C approved by voters in September 1993; amended by Ord. 957 approved by voters on 11/7/06)

#### **Section 3. Salaries of Members.**

The City Council may determine the annual salary of the mayor and council members by ordinance, but no ordinance increasing such salary shall become effective until the date of commencement of the terms of council members elected at the next regular election. The council members shall receive their actual and necessary expenses incurred in the performance of their duties of office as provided in the travel policies of the City. (Amended by Ord. 957 approved by voters on 11/7/06)

#### **Section 4. Mayor.**

The Mayor shall be elected at each regular municipal general election from the City at large in the manner provided in Article VI for a term of two years or until his successor has been elected and qualified. The Mayor shall be a voting member of the City Council and shall preside at meetings of the Council and shall be recognized as the head of the City Government for all ceremonial purposes and by the Governor of the State for purposes of military law. The Mayor shall execute and authenticate legal instruments requiring his signature as such official. The Mayor shall present an annual state of the City message within ninety days of the adoption of the annual budget. The Mayor shall receive actual and necessary expenses incurred in the performance of their duties of office as provided in the travel policies of the City.

The Council shall elect an Assistant Mayor who shall act as Mayor during the absence or disability of the Mayor and who, if a vacancy occurs (as outlined in Section 6, below), shall become Mayor for the unexpired term. The Assistant Mayor shall be elected from among the council members for a term of two years and may be removed by a majority vote of the Council, on which

vote the Assistant Mayor shall not vote. (Amended by Charter Amendment approved by voters in September 1983; amended by Charter Amendment C approved by voters in September 1993; amended by Ord. 957 approved by voters on 11/7/06)

#### **Section 5. Powers.**

All powers of the City and the determination of all matters of policy shall be vested in the Council except as otherwise provided by this Charter. Without limitation of the foregoing, the Council shall have power to:

- (a) By ordinance create, change, and abolish offices, departments or agencies.
- (b) Adopt the budget of the City;
- (c) Authorize the issuance of bonds by ordinance as provided by this Charter;
- (d) Adopt plats;
- (e) Adopt and modify the official map of the City;
- (f) Provide for independent audits of all funds and accounts of the City.

No enumeration of particular powers granted to the Council shall be construed to impair any general grant of power herein contained or granted by the Colorado Constitution, nor to limit any such grant of power. (Amended by Ord. 957 approved by voters on 11/7/06)

#### **Section 6. Vacancies.**

A vacancy in the office of a Council member shall exist when a Council member:

- (a) Dies;
- (b) Resigns;
- (c) Moves from the City;
- (d) Fails to attend three (3) consecutive regularly scheduled meetings of the Council unless the Council member was excused by majority vote of Council;
- (e) Is recalled;
- (f) Is found guilty or enters a plea of guilty or nolo contendere to a felony;
- (g) Is judicially declared incompetent;
- (h) Is elected to another public office.

When there is a vacancy on the Council, the Council shall have sixty (60) days from the date of that vacancy to appoint a qualified person as outlined in Article II, Section 2 to fill that vacancy until the next general municipal election. All appointments shall be approved by the majority vote of the entire Council as then constituted. If the Council fails to fill the vacancy, an election shall be held within 120 days of the date of the vacancy. (Amended by Charter Amendment approved by voters in September 1983; renumbered and amended by Charter Amendment 1, adopted September 26, 1989; amended by Charter Amendment B, approved by voters in September 1993; amended by Ord. 957 approved by voters on 11/7/06)

#### **Section 7. Meetings, Quorum.**

(a) The Council shall hold regular meetings at such time and place as it may prescribe by ordinance and shall prescribe the manner in which special meetings may be called. All meetings shall be open to the public. Four members of the Council shall constitute a quorum sufficient to transact business, subject to the provisions in Section 12 of this Article. Approval by a majority of the members present at any regular meeting of the Council or at any special meeting of which notice shall have been given to all members shall be sufficient to authorize any action of the Council, except passage of emergency ordinances. (Renumbered by Charter Amendment 1, adopted September 26, 1989)

(b) A meeting may be recessed into an executive session by the affirmative vote of two-thirds ( $\frac{2}{3}$ ) of the members of the Council present, for the following purposes, for the following purposes only:

- (1) To determine a position relative to issues subject to negotiation, to receive reports on negotiation progress and status, to develop negotiation strategy, and to instruct negotiators;
- (2) To consider the acquisition or disposal of property if, in the judgment of the Council, premature disclosure of information might give any person an unfair competitive or bargaining advantage;
- (3) For matters of attorney-client privilege, to receive legal advice from an attorney representing the City, and for matters required by law to be kept confidential;
- (4) For matters critical to the personal safety of the members of the Council and for matters involving the protection and security of City property;
- (5) For personnel matters; and
- (6) To consider additional matters for which an executive session is permitted under the State statutes concerning the meetings of local public bodies.

(c) The general subject matter of any executive session shall be stated in the motion calling for the session.

(d) Except as authorized by the City Council as required or permitted by judicial order, or as otherwise required or permitted by law, no participant in any executive session shall reveal any information gained as a result of the executive session. In addition to any other means available pursuant to law, a participant who is in doubt about the application of this subsection may seek a judicial order by requesting an in camera hearing in the District Court of Moffat County. (Amended by Ord. 957 approved by voters on 11/7/06)

#### **Section 8. City Clerk.**

The City Manager, with the approval of a majority of the entire Council, shall appoint or remove a City Clerk. The City Clerk shall give notice of Council meetings, keep a journal of Council proceedings, authenticate by his/her signature and record in full in a book kept for that purpose all ordinances and resolutions, and perform other duties required by this Charter, the Council, and the Manager. (Renumbered by Charter Amendment 1, adopted September 26, 1989; amended by Ord. 957 approved by voters on 11/7/06)

#### **Section 9. Council Not to Interfere With Administrative Functions.**

Except for purposes of inquiry, the Council and its members shall deal with the administrative functions of the City solely through the City Manager, and no member of the Council shall give orders to any subordinate of the City Manager excluding direct appointments made by the Council. (Renumbered by Charter Amendment 1, adopted September 26, 1989; amended by Charter Amendment 1 approved by voters in September 1991)

#### **Section 10. Licenses, Permits.**

The Council may provide for licenses and permits, and fees therefore, for regulatory purposes. (Renumbered by Charter Amendment 1, adopted September 26, 1989; amended by Ord. 957 approved by voters on 11/7/06)

#### **Section 11. Bonding.**

Before permitting any member of the Council or any City employee to perform any function or duty involving the handling of City funds, the City shall obtain a fidelity bond or insurance coverage

in an amount acceptable to the Council. (Amended by Ord. 957 approved by voters on 11/7/06)

**Section 12. Ordinances, Resolutions and Motions.**

(a) In legislative sessions, the Council shall act only by ordinance, resolution or motion. The Council may select the appropriate form for its action, except where a particular form is required by this Charter.

(b) The votes for and against shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of its proceedings. Upon the request of any member the votes for and against shall be taken and recorded upon any motion. Every ordinance passed by the City Council shall require on final passage the affirmative vote of a majority of the quorum. No member of the Council shall vote on any matter concerning the member's conduct. No member of the Council shall vote on any matter in which the member has a conflict of interest. Except as provided in this paragraph, each member of the Council who is present shall vote on each matter. Any refusal to vote, except when an abstention is required by this paragraph, shall be recorded as an affirmative vote.

(c) No ordinance shall be passed finally on the date it is introduced except in cases of special emergency for the preservation of the public peace, health or safety, and then only by the unanimous vote of at least a quorum. To meet a public emergency affecting life, health, property or the public peace, the Council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, regulate the rates charged by any public utility for its services or authorize the borrowing of money. After its adoption, the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall automatically stand repealed as of the sixty-first day following the date on which it was adopted, but shall not prevent re-enactment of the ordinance in the manner specified in this section if the emergency still exists. No appropriation ordinance shall ever be passed as an emergency measure.

(d) The Council may adopt, by ordinance, any code by reference. The procedure for adoption of a code by reference shall be as provided in the State statutes applicable to the adoption of codes by reference, or such other procedure as the Council 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 City Clerk. Any penalty clause in such a code may be adopted only if set forth in full in the adopting ordinance.

(e) The enacting clause of all ordinances passed by the Council shall be in these words: "BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CRAIG:" (Amended by Ord. 957 approved by voters on 11/7/06)

**Section 13. Publication of Ordinances.**

Every proposed ordinance, except an emergency ordinance, shall be published once in full in a newspaper of the City and on the City's web site or at some other secondary location approved by the City Council at least ten days before its final passage. Within ten days after its final passage, every ordinance shall be published once in a newspaper of general circulation published in the City and on the City's web site or at some other secondary location approved by the City Council. When the Council deems it appropriate, publication of the title of an ordinance or the title of an amendment thereto, together with a comprehensive summary of the substance of the ordinance or amendment thereto and with a statement that the text is available for public inspection and acquisition in the office of the City Clerk, shall be sufficient publication. (Amended by Ord. 957 approved by voters on 11/7/06)

**Section 14. Effective Date of Ordinances.**

Any emergency ordinance passed as provided herein shall become effective upon the date of its passage. All other ordinances, unless specifically provided otherwise, shall become effective ten days after passage and upon publication in a newspaper of general circulation published in the City.

**Section 15. Amendment or Repeal.**

No ordinance or section thereof shall be amended or repealed except by an ordinance regularly adopted.

**Section 16. Record of Ordinances.**

A true copy of every ordinance when adopted shall be numbered and recorded in a book marked "ORDINANCE RECORD" and an affidavit of adoption and publication shall be authenticated by the oath of the publisher and by the signature of the mayor and clerk. The ordinances adopted by the vote of the registered electors of the City shall be consecutively numbered and recorded. (Amended by Charter Amendment E approved by voters in September 1993)

**Section 17. Proof of Charter and Ordinances.**

This Charter or any ordinance may be proved by a copy thereof, certified to by the City Clerk under seal of the City; or when printed in book or pamphlet form, and purporting to be printed by authority of the City, the same shall be received in evidence in all courts without further proof.

**Section 18. Recodification and Revision.**

The Council shall provide for the revision and recodification of the ordinances of the City of Craig periodically, but at least once every 15 years. (Amended by Charter Amendment 8, adopted September 26, 1989)

**Section 19. Present Ordinances Continue in Force.**

All laws, ordinances, resolutions, bylaws, orders, rules or regulations in force in the City of Craig at the time this Charter takes effect, not inconsistent with its provisions, whether enacted by the authority of the City or any other authority, shall continue in full force and effect until otherwise provided by ordinance.

**Article III**

**DEPARTMENTS OF CITY GOVERNMENT**

**Section 1. City Manager.**

The various departments of the City shall be under the direct supervision of the City Manager, who shall be the chief administrative and executive officer of the City and shall report directly to the City Council. The City Manager shall be chosen by the Council solely on the basis of executive and administrative training, education, experience and ability. The City Manager shall be a resident of the City. The City Manager shall have the following powers and duties:

- (a) Appoint or remove, for cause, any employee of the City, except those employees that require approval of the City Council;
- (b) Prepare the budget annually, submit it to the Council, and be responsible for its administration after adoption;
- (c) Prepare and submit to the Council each month a complete report on the finances and

administrative activities of the City for the previous month and the year to date;

(d) Keep the Council advised of the future needs of the City and make such recommendations as may seem desirable;

(e) Perform such other duties as may be prescribed by this Charter or may be required by the Council not inconsistent with this Charter.

The Council shall evaluate the City Manager annually. (Amended by Charter Amendment 1 approved by voters in September 1991; amended by Ord. 957 approved by voters on 11/7/06)

## **Section 2. Departments Created.**

The Council may create and abolish such departments, by ordinance, as it deems necessary to the proper functioning of the City. The following services may be provided by the City: Police, Municipal Public Utilities, Finance, Public Works, Administration and Parks and Recreation. (Amended by Charter Amendment 2 approved by voters in September 1991)

1. Police. The department responsible for police services shall be responsible for the preservation of public peace, prevention of crime, apprehension of criminals, protection of the rights of persons and property, and the enforcement of the provisions of this Charter and the ordinances of the City, the laws and Constitution of the State of Colorado, and such other duties as the Mayor and Council may prescribe for the public peace and safety and the protection of property, including the property of the City within and without the corporate limits. (Amended by Charter Amendment 2 approved by voters in September 1991)

2. (Reserved)

3. Municipal Public Utilities. The department responsible for municipal public utilities shall consist of a Division of Water and Sewer and any other utility which the City may acquire. The department responsible for municipal public utilities shall have charge of: (Amended by Charter Amendment 2 approved by voters in September 1991)

(a) The Water Plants, all the distribution systems thereof, filtration plants, reservoirs, wells, and other facilities directly connected therewith, sanitary sewer system and sewage disposal plant, and all plants, properties, equipment, and appliances incident to or connected with the operation of the water, sewer and other utilities whether within or without the City;

(b) The designing, construction, reconstruction, addition, repair, replacement, maintenance, supervision, and operation of the water and sewer plants, physical properties, buildings, and distribution systems; sanitary sewer system and disposal plant, and other utilities;

(c) Meter readings;

(d) The enforcement of all rules, regulations, methods, and practices prescribed by the Council governing the furnishing and measurement of the municipal utility services, including the authority to discontinue any service for nonpayment, or for nonmaintenance of equipment connected with the main supply, or noncompliance by any customer with ordinances, rules and regulations relating to the department;

(e) The records of location, direction, depth, and connections of all underground and aboveground facilities and equipment of the department.

The Director and employees of the department responsible for municipal public utilities shall have authority in the necessary discharge of their duties to enter upon any lands, properties, or premises, within or without the City, for the examination or survey thereof, or for the purpose of repairing, inspecting, removing, or connecting the service, reading meters, or any other purpose whatever in connection with the water and other utilities. (Amended by Charter Amendment 2 approved by voters in September 1991)

(f) Restriction on Sale of Water and Sewer Property. The City shall not sell, lease, or in any manner dispose of the water, sewer or other utility plants or systems, nor any part thereof, unless and except the proposition for such purpose shall first have been approved by a vote of the electors. The provisions of this section shall not apply to the sale, lease or exchange of any equipment which may be worn out or useless, or which could with advantage to the service be replaced by new or improved machinery or equipment. The provisions of this section shall not apply to the sale or lease of surplus water as provided in the following section. The City shall not sell its water rights unless approved by a vote of the electors.

(g) Control of Water. If at any time the water supply is greater than the immediate needs of the City and its inhabitants, the Council may permit the use of such surplus water by consumers outside the City at such rates as the Council may prescribe; provided that no vested right shall accrue under such permits.

The use of water belonging to the City, or the use of its water system, whether for domestic or industrial use or for use in connection with a franchise or other privilege granted by the City, shall always be subject to the most comprehensive scrutiny, management and control by the City, and nothing shall ever be done by a user which shall interfere with the successful operation of the water works or tend to interfere with the complete performance of the trust for the people under which such water works are held by the City; neither shall such use confer upon any user a right to water superior to the right of any other user.

(h) Utility Budgeting. Budgets for all City-owned public utilities shall be prepared and adopted at the same time and to the same extent as budgets for all other City functions, as specified in Article VII of this Charter.

(i) Municipal Utility Rates and Finances. The Council shall by ordinance from time to time fix, establish, maintain, and provide for the collection of such rates, fees, or charges for water and sewer, and for water, sewer, and other services furnished by the City as will produce revenues sufficient to pay the cost of operation and maintenance of said utilities in good repair and working order; to pay the principal of and interest on all bonds of the City for said utilities; to provide and maintain an adequate fund for replacement of depreciated or obsolescent property; to provide a fund for the extension, improvement, enlargement and betterment of said utilities; to pay the interest on and principal of any general obligation bonds issued by the City to extend or improve said utilities. The provisions hereof shall be subject at all times to the performance by the City of all covenants and agreements made by it in connection with the issuance, sale, or delivery of any bonds of the City payable out of the revenues derived from the operation of its water, and other utilities, whether such revenue bonds be heretofore or hereafter issued. (Amended by Charter Amendment 3 approved by voters in September 1991)

4. Finance. A Department of Finance is hereby created, the executive officer of which shall be the City Treasurer, also referred to as the Director of Finance, who shall have special knowledge of municipal accounting, taxation, budget making, and finance. (See separate section on finance - Article VII Part II for powers and duties of the Finance Department.) (Amended and approved by voters on 11/7/06)

5. Public Works. The department responsible for public works shall provide all engineering, architectural, maintenance, construction, and work equipment services required by the City except those performed by private persons, firms or corporations under contract, or those assigned to other departments by this Charter. (Amended by Charter Amendment 2 approved by voters in September 1991)

6. Administration. The department responsible for administration shall have the supervision of the operation of the City Hall, and its activities. It shall recommend to the Council such purchases of

equipment, changes of personnel, bookkeeping procedures and general functions as may be deemed advisable upon advice of the City Clerk, City Attorney or required by statute or ordinance. (Renumbered by Charter Amendment 6, adopted September 26, 1989; amended by Charter Amendment 2 approved by voters in September 1991)

7. Parks and Recreation. The department responsible for parks and recreation shall exercise administrative functions as to: (Amended by Charter Amendment 2 approved by voters in September 1991)

(a) Operation of municipal parks, park areas, playgrounds, playfields, lake facilities, swimming pools, , and other areas as deemed necessary by the Council both within and without the corporate limits.

(b) Planning, conducting, and supervising organized physical and cultural recreation programs for the public.

(c) Cooperation with public and private agencies in public recreational programs, concerts, and other entertainment.

(d) Maintenance and preservation of public monuments and collections.

(e) Maintenance of restrooms, facilities for entertainment, and other related facilities on properties under the supervision of the department.

Rules and Regulations. The Council shall have power by ordinance to adopt all rules and regulations relating to properties and related facilities under supervision of the department responsible for parks and recreation, whether within or without the City, and for the preservation of order, safety, and decency therein. For the purpose of enforcing such rules and regulations, all such properties shall be under the police jurisdiction of the City. (Renumbered by Charter Amendment 6, adopted September 26, 1989; amended by Charter Amendment 2 approved by voters in September 1991; amended by Ord. 957 approved by voters on 11/7/06)

### **Section 3. Boards and Commissions.**

Each board and commission existing at the time this Charter is adopted shall continue, except as provided by ordinance. The City Council may, by ordinance, establish, consolidate or abolish any board or commission. The Council may, by ordinance, provide that boards and commissions shall be advisory in character. The selection, term, responsibilities and policies concerning each board and commission shall be as established by ordinance. The appointment or removal of any board or commission member who is required by ordinance to be appointed by the City Council shall require the affirmative vote of a majority of the entire Council. A member appointed by the City Council shall serve at the pleasure of Council. The members of each board and commission shall serve without compensation, but may be paid authorized expenses actually incurred in the performance of the duties of office. (Renamed and amended by Ord. 957 approved by voters on 11/7/06)

### **Section 4. Oath of Office.**

Before entering upon the duties of his office, each councilman, the City Clerk, the City Attorney, the Judge of the Municipal Court, and the Chief of Police shall take and subscribe before and file with the City Clerk an oath or affirmation that he will support the Constitution of the United States, the Constitution of the State of Colorado, this Charter, and the ordinances of the City of Craig, and that he will faithfully perform the duties of the office or position. The Judge of the Municipal Court shall administer the oath of office to each councilman, the City Attorney and the City Clerk. The City Clerk shall administer the oath of office to the Judge of the Municipal Court. The Chief of Police shall also administer and oath of office to Police Officers. (Amended by Ord. 957 approved by voters on 11/7/06)

**Section 5. Records to be Public.**

All City records shall be available for public inspection in accordance with the State open records statutes, subject only to reasonable restrictions as may be established by ordinance. Upon payment of a reasonable fee, a copy or a certified copy of any City records shall be furnished by the custodian thereof. A certified copy of any City record shall be prima facie evidence of its contents. (Amended by Ord. 957 approved by voters on 11/7/06)

**Editor's Note:** Prior Section 11, Outgoing officers and employees, was renumbered and moved to Article VII, as amended by Ord. 957 approved by voters on 11/7/06.

**Article IV**

**MUNICIPAL COURT**

**Section 1. Municipal Court.**

There shall be a Municipal Court vested with jurisdiction of all causes arising under the Charter and the ordinances of the City for violation or enforcement thereof with the exception of those offenses which are handled by administrative hearing procedures as provided by ordinance. The Judge of the Court shall be a resident of the City or County and a licensed attorney in the State of Colorado. He shall be appointed by a majority of the entire Council for a term of two years, and shall receive such compensation and other terms of employment as shall be fixed by the Council. Such compensation shall in no manner be contingent upon the amount of fees charged or collected. In his absence the Council shall designate a reputable person possessing the qualifications for the office to serve in his stead. The Municipal Judge may be removed for cause by a majority of the entire Council.

Rules and procedure, costs and fees shall be enacted by the Council with the advice of the Municipal Judge.

**Section 2. Penalty for Violation.**

The Council shall provide for enforcement of its ordinances. No fines or imprisonments shall exceed the following limits: fines, one thousand dollars; imprisonment, one hundred eighty days; or a combination of both fine and imprisonment within the designated limits. The Council is not to be otherwise limited in punitive measures. (Amended by Ord. 957 approved by voters on 11/7/06)

**Section 3. Appeal.**

Appeals from decisions of the Municipal Court shall be as now or as may be hereafter provided by the statutes of the State of Colorado.

**Article V**

**CITY ATTORNEY**

**Section 1. Appointment.**

A majority of the entire Council shall appoint a City Attorney, who shall serve either full or part time, at the discretion of Council. The Council shall fix the Attorney's compensation and the terms and conditions of employment. A majority of the entire Council may remove the City Attorney for cause. (Amended by Charter Amendment 4 approved by voters in September 1991; amended by Ord.

957 approved by voters on 11/7/06)

**Section 2. Qualifications.**

The City Attorney shall be selected on the basis of legal qualifications and experience, but must have been a licensed attorney in the State of Colorado for at least three consecutive years and must be a resident of the City or County. The powers and duties of the City Attorney shall be prescribed by ordinance. The Council shall evaluate the City Attorney annually. (Amended by Charter Amendment 4 approved by voters in September 1991)

**Section 3. Special Counsel.**

The Council may, in special cases, employ special counsel if deemed necessary.

**Article VI**

**ELECTIONS**

**Section 1. Conduct of Elections.**

The provisions of the election laws of the State of Colorado shall apply to elections held under this Charter. All elections provided for by this charter shall be conducted by the election authorities established by law. Candidates shall run for office without party designation. (Added by Ord. 957 approved by voters on 11/7/06)

**Section 2. City Elections.**

A general City election shall be held on the first Tuesday in April, 1997, and biennially thereafter. (Renumbered by Charter Amendment 3, adopted 9/25/1979; amended by Resolution No. 3 passed by voters 9/26/95; renumbered and amended by Ord. 957 approved by voters on 11/7/06)

**Section 3. Law Governing Elections.**

General and Special municipal elections shall be governed by the Colorado Municipal Election Code as now existing or as hereafter amended or modified, except as otherwise provided in this Charter or as the Council may provide by ordinance not in conflict with this Charter. (Added by Charter Amendment 3, adopted 9/25/1979; renumbered by Ord. 957 approved by voters on 11/7/06)

**Section 4. Statement of Expenses.**

Every candidate at any City Election shall within thirty days thereafter, file with the City Clerk an itemized statement showing in detail all amounts of money contributed or expended by him, directly or indirectly, in aid of his candidacy, and giving therein the names of the various persons receiving such money, and the specific nature of each item, and the purpose for which expended or contributed, and such total amount so expended shall not exceed five hundred dollars.

In addition to the above requirements, the Colorado Fair Campaign Practices Act (C.R.S. Title 1, Article 45) as exists or as may hereafter be amended shall be followed in the conduct of campaigns. (Renumbered and amended by Ord. 957 approved by voters on 11/7/06)

## Article VII

### FINANCE ADMINISTRATION

#### PART I. BUDGET AND FINANCIAL CONTROL

**Section 1. Fiscal, Budget, and Accounting Year.**

The budget, fiscal, and accounting year shall be the same as the calendar year. The term "Budget Year" means the fiscal year for which any budget is adopted and in which it is to be administered.

**Section 2. Annual Budget Estimates.**

On or before the first Monday in November of each year, or as may be otherwise provided by law, the City Manager shall prepare or cause to be prepared and submitted to the Council a proposed budget for the next ensuing budget year with an explanatory message. The proposed budget shall provide a complete financial plan for the City and shall include the following:

- (a) Proposed expenditures for each office, department, and agency for the ensuing fiscal year;
- (b) Debt service requirements for the ensuing fiscal year;
- (c) An estimate of the amount of anticipated income from all sources during the ensuing fiscal year;
- (e) A general budget summary.

The budget shall be in detail and show for each fund estimated revenues by source and estimated expenditures by organizational units, activities, character and object.

The budget shall be so arranged as to show comparative figures for receipts and expenditures for the last completed fiscal year, for the current year, and the City Council recommendations for the ensuing year. (Amended by Charter Amendment 4, adopted 9/25/1979; amended by Ord. 957 approved by voters on 11/7/06)

**Section 3. Public Record, Hearing.**

The budget estimates aforesaid shall thereupon be a public record and open to the public for inspection and copy. The Council shall, within ten days after the filing of said budget estimates, set a time certain for public hearing thereon and cause notice of such public hearing. Notice means to print in the contemporary means of information sharing, which includes, but is not limited to, one or more newspapers of general circulation in the city, and, if available, on a website. At the hearing, all persons may appear and object to any or all items and estimates in the proposed budget. Upon completion of the public hearing the Council may revise the budget estimates. (Amended by Ord. 957 approved by voters on 11/7/06)

**Section 4. Adoption of Budget.**

After said public hearing and before the last day of November of each year, the Council shall adopt the budget for the ensuing fiscal year and shall fix the tax levy. (Amended by Charter Amendment 5, adopted 9/25/1979)

**Section 5. Annual Appropriations.**

Upon said budget as adopted, the Council shall, not later than the last day of November in each year, pass the "Annual Appropriation Ordinance" in which shall be appropriated such sums of money as the Council deems necessary to defray all expenses and liabilities of the City during the ensuing budget year. The annual appropriation ordinance shall be based upon the budget as adopted but need not be itemized further than by departments and the major divisions thereof, and by each independent

office and agency. (Amended by Charter Amendment 6, adopted 9/25/1979)

**Section 6. Levy.**

The "Annual Appropriation Ordinance" shall include the proper levy in mills upon each dollar of the assessed valuation of all taxable property within the City, such levy representing the amount of taxes for City purposes necessary to provide for payment during the ensuing budget year of all properly authorized demands against the City, including interest and principal of general obligation bonds. The Council shall thereupon cause the total levy to be certified to the county assessor, who shall extend the same upon the tax list of the current year in a separate column entitled "City of Craig Taxes," and shall include said City taxes in his general warrant to the county treasurer for collection. If the Council fails in any year to make said tax levy as above provided, then the rate last fixed shall be the levy fixed for the ensuing budget year and the Council shall so certify.

**Section 7. No Unbudgeted Liability.**

The City expenditures in any one year shall not be increased above the amount provided in the annual budget, except as provided in Section 15 of this Article. No contract involving expenditure, and no expenditure for any improvement to be paid out of the general or special funds of the City or for defraying the expense and liabilities of the City shall exceed, in any one year, the amount provided in the annual budget to be paid out of the said general and special funds so budgeted, but the said several funds shall be maintained and used for the particular purposes specified in the budget. It shall be unlawful for any department, officer, or agent of the City to incur or contract any expense or liability for or on behalf of the City unless an appropriation therefor shall have been made in the budget. Such contracts shall be null and void "ab initio" as to the City for any liabilities; provided, however, that nothing herein contained shall prevent the Council from providing by ordinance for payment of any expense, the actual necessity of which is caused by any unforeseen condition arising after the passage of the annual appropriation ordinance; and that the provisions of this section shall not apply to or limit the authority conferred in relation to bonded indebtedness, nor to moneys to be collected by special assessments for local improvements. (Renumbered by Ord. 957 approved by voters on 11/7/06)

**Section 8. Effect of Appropriation and Levy.**

After the commencement of the budget and fiscal year, the annual appropriation ordinance and levy shall be irrevocable and the several amounts stated in the adopted budget and annual appropriation ordinance as proposed expenditures shall be deemed appropriated for the items, objects, and purposes therein specified. (Renumbered by Ord. 957 approved by voters on 11/7/06)

**Section 9. Lapsed Appropriations.**

All appropriations unexpended or unencumbered at the end of the budget year shall lapse and revert to the general or applicable special fund, at the discretion of the Council. (Renumbered by Ord. 957 approved by voters on 11/7/06)

**Section 10. Deposit of Public Funds.**

The cash balance of the City shall be deposited in such banks and with such surety as the Council by resolution shall determine. (Renumbered by Ord. 957 approved by voters on 11/7/06)

**Section 11. Collection of Taxes.**

Until the Council shall otherwise provide by ordinance, the county treasurer shall collect City taxes in the same manner and at the same time as State taxes are collected. In like manner the

Council may provide for collection of special improvement assessments by said treasurer. All laws of this State for the assessment of property and the levy and collection of general taxes, sale of property for taxes, and the redemption of the same, shall apply and have as full effect in respect to taxes for the City as of such general taxes, except as modified by this Charter. On or before the tenth day of each month, the county treasurer shall report and pay to the City Treasurer the amount of tax collections of the City for the preceding month. The estimated costs of tax collections and losses shall be included in the budget. (Renumbered by Ord. 957 approved by voters on 11/7/06)

**Section 12. Audit and Payments.**

No demand for money against the City shall be approved, allowed, audited, or paid unless it is in writing, dated and sufficiently itemized to identify the expenditure, and payment thereof approved by the City Council and the person or department creating the obligation. (Renumbered by Ord. 957 approved by voters on 11/7/06)

**Section 13. Expense Appropriation and Enterprise Fund Transfers.**

(a) Apportionment of Expenses. The salaries of the City employees, directors and others rendering services to two (2) or more departments, and expenses of departments rendering services to other departments or to improvement districts, shall be equitably apportioned and charged against the proper department or other agency. (Amended by Charter Amendment 3 approved by voters in September 1991)

(b) Transfer from enterprise funds. The general fund shall not borrow from the enterprise funds. (Amended by Charter Amendment 3 approved by voters in September 1991; renumbered by Ord. 957 approved by voters on 11/7/06)

**Section 14. Appropriation of Excess Revenue and Transfers of Appropriations.**

If actual revenue realized exceeds the budget estimates, the Council may, by resolution, appropriate the excess to any purpose for expenditure during the budget year. Subject to the restriction in Section 13(b) above, the Council may, by resolution, transfer the unused balance from any budget item appropriated for one department or a portion thereof to a line item budgeted for another department. (Amended by Charter Amendment 3 approved by voters in September 1991; renumbered by Ord. 957 approved by voters on 11/7/06)

**Section 15. Appropriations Forbidden.**

No appropriation shall be made for any charitable, industrial, educational or benevolent purposes to any person, corporation, or organization not under the absolute control of the City, nor to any denominational or sectarian institution or association, except, when participating with the county, state or federal government, or any agency thereof, in a project beneficial to the City. (Renumbered by Ord. 957 approved by voters on 11/7/06)

**Section 16. City Not to Pledge Credit.**

The City shall not lend or pledge its credit or faith, directly or indirectly, or in any manner to or in aid of any person, corporation, or other organization, public or private, for any amount or any purpose whatever, or become responsible for any debt, contract, or liability thereof except as otherwise permitted by this Charter and/or the laws of Colorado. (Renumbered and amended by Ord. 957 approved by voters on 11/7/06)

**Section 17. Reports and Publication.**

(a) The Council shall, as soon as possible after the close of each fiscal year, cause to be prepared

and made available a full report of the financial administration of the City for the preceding year. Such report shall show the total revenue of the City from all sources and the disbursements of the same, a detailed statement of each department, and all such facts as shall fully advise the public of the financial condition of the City. A notice shall be published that said report is available in the office of the City Clerk within three months of the end of the fiscal year.

(b) A list of warrants drawn each month shall be published within 30 days after each regular meeting of the Council. (Renumbered and amended by Ord. 957 approved by voters on 11/7/06)

### **Section 18. Appropriations Not to Exceed Revenue.**

No appropriations shall be made, nor any expenditure incurred or authorized by the Council, whereby the expenditures during the budget year shall exceed the revenues anticipated or available, except for emergencies as otherwise herein provided. (Renumbered by Ord. 957 approved by voters on 11/7/06)

### **Section 19. Bonds, Interest, Sale.**

The terms and interest rate of bonds shall be fixed by the bond ordinance. Bonds may be sold at public or private sale for such price or prices, in such manner, and at such time as may be determined by the Council. All bonds may contain provisions for calling the same at designated interest periods prior to final due date. (Amended by Charter Amendment 8, adopted 9/25/1979; amended by Charter Amendment approved by voters in September, 1983; renumbered by Ord. 957 approved by voters on 11/7/06)

### **Section 20. Powers and Duties.**

The City Treasurer (Director of Finance) shall have charge of the financial records and general and special funds of the City, and shall collect, receive, and disburse all money belonging to the City, and shall have all other duties required to administer properly the financial affairs of the City as may be prescribed by the City Manager to that end he shall have authority, and shall be required to:

(a) Maintain a general accounting system for the City government and each of its offices, departments, and agencies; exercise budgetary control over the same in accordance with the budget and annual appropriation ordinance; prescribe the form of receipts, requisitions, warrants, and other evidence of income and disbursements; audit before payment all bills, invoices, payrolls, and other claims and charges against the City government; and with the advice of the City Attorney and City Manager determine the regularity, legality, and correctness of such claims, demands, or charges;

(b) Advise the City Manager of the budget requirements of the Department of Finance and furnish estimates and information concerning other departments, agencies, and boards as requested by the City Council;

(c) Advise departments of remaining allotments;

(d) Disburse funds in a manner which will assure that budget appropriations are not exceeded and that payments are not illegally made;

(e) Collect and hold all City funds; invest funds as directed by the Council by resolution; be responsible for all trust funds;

(f) Serve as custodian of all bonds, documents, and other evidences of indebtedness owned by the City or under its control;

(g) Issue all licenses and collect the fees therefor; collect or receive funds of every description belonging to, due to, or accruing to the City, including fines, forfeitures, penalties, taxes, water rentals, sewer fees, and other revenues;

(h) Submit to the City Manager and Council a monthly statement of all accounts and funds,

including trust and custodial funds, such report to show receipts and disbursements and remaining budget allotments sufficiently itemized in detail to show the exact financial condition of the City;

(i) Examine and approve all purchase contracts, orders, and other documents by which the City incurs financial obligations having previously ascertained that moneys have been appropriated and allotted and will be available when the obligations become due and payable;

(j) Advise the City Manager of any financial irregularity in any department;

(k) Keep an accurate and complete inventory of all City property and equipment in excess of a dollar amount established by the City Council. (Amended by Charter Amendment approved by voters in September 1983; renumbered and amended by Ord. 957 approved by voters on 11/7/06)

#### **Section 21. Separate Utilities Accounts.**

The accounts of each utility owned and operated by the City shall be kept separate and distinct from all other accounts of the City, and shall contain proportionate charges for all services performed by other departments for such utility, as well as proportionate credits for all services rendered. Such accounts shall also show reasonable allowance for depreciation and obsolescence and an estimate of the amount of taxes that would be chargeable against such utility property if owned privately. (Amended by Charter Amendment approved by voters in September 1983; renumbered by Ord. 957 approved by voters on 11/7/06)

#### **Section 22. Responsibility for Funds.**

All money belonging to the City and in the custody of City employees shall be paid daily to the Department of Finance. (Amended by Charter Amendment approved by voters in September 1983; renumbered by Ord. 957 approved by voters on 11/7/06)

#### **Section 23. General Fund, Expenditures.**

A general fund is hereby created which shall consist of all revenues of the City not specifically belonging to any special fund. The governmental functions of the City shall be paid for out of appropriations from the general fund. (Amended by Charter Amendment approved by voters in September 1983; renumbered by Ord. 957 approved by voters on 11/7/06)

#### **Section 24. Special Funds, Expenditures.**

Special funds may be created for any purpose by ordinance; any ordinance creating a special fund shall also specify the source of revenue and the purpose and manner of expenditure. (Amended by Charter Amendment approved by voters in September 1983; renumbered by Ord. 957 approved by voters on 11/7/06)

#### **Section 25. Outgoing Officers and Employees.**

All officers of the City whose terms of office terminate shall deliver to their successors all papers, records, and property of every kind in their possession or custody by virtue of their office, and shall account to them or to any authority designated by the Council, for all funds, credits, or property of any kind with which they are properly chargeable as such officials. The provisions of this section shall apply to all employees of the City. (Moved and renumbered by Ord. 957 approved by voters on 11/7/06)

## PART III. PURCHASES

### **Section 26. City Property.**

All automobiles, trucks and movable road and street machinery, except police patrol cars, are to be marked by conspicuous means with the term "City of Craig." It shall be a misdemeanor for any unauthorized person to have any City property in his possession at any time. (Amended by Charter Amendment 7 approved by voters in September 1991; renumbered and amended by Ord. 957 approved by voters on 11/7/06)

### **Section 27. Competitive Bidding.**

Before any agent of the City makes any purchases of or contracts for supplies, materials or equipment, he shall give ample opportunity for competitive bidding, under such rules and regulations, and with such exceptions as the Council may prescribe by ordinance. (Amended by Charter Amendment 9, adopted 9/25/1979; amended by Charter Amendment approved by voters in September 1983; renumbered by Charter Amendment 7 approved by voters in September 1991; renumbered by Ord. 957 approved by voters on 11/7/06)

### **Section 28. Emergency Purchases.**

In case of emergency affecting the public peace, health or safety, the Council may waive all provisions for competitive bidding and direct the purchasing agent to purchase necessary supplies in the open market at not more than commercial prices. (Amended by Charter Amendment approved by voters in September 1983; renumbered by Charter Amendment 7 approved by voters in September 1991; renumbered by Ord. 957 approved by voters on 11/7/06)

### **Section 29. Contracts for Improvements Exceeding \$50,000.**

Any City capital improvement in excess of \$50,000.00 shall be executed by contract, except such improvements as the Council authorizes a department to make, and shall be submitted to competitive bidding and awarded to the lowest responsible bidder, who shall be required to provide a performance bond. If all bids are rejected, then the Council may authorize a City department to proceed with the construction as in other cases in accordance with the plans and specifications, and the services of the department shall be charged as a part of the costs of the improvements. (Amended by Charter Amendment approved by voters in September 1983; renumbered by Charter Amendment 7 approved by voters in September 1991; amended by Charter Amendment approved by voters in April 2003; renumbered and amended by Ord. 957 approved by voters on 11/7/06)

### **Section 30. Financial Interest Prohibited.**

No member of the Council shall be interested, directly or indirectly, in the profits of any contract for work or services to be performed for the City, except those contracts submitted to competitive bidding under the terms of the above Article VII, Section 27. (Added by Ord. 957 approved by voters on 11/7/06)

### **Section 31. Contracts for Service.**

No contract for service shall be made by the City for a longer period than one year, unless authorized and a multi year contract stipulates that the contract is subject to annual appropriation by the City Council. (Amended by Charter Amendment approved by voters in September 1983; renumbered by Charter Amendment 7 approved by voters in September 1991; amended by Ord. 957 approved by voters on 11/7/06)

**Section 32. Contracts Effective Only When Bond Funds Available.**

No contract for the acquisition of property or the construction of improvements or other expenditures which is to be financed by bonds or other obligations shall be effective until the proceeds of the bonds or obligations are actually in the hands of the Director of Finance.

Improvements to be paid for special assessments shall be excepted from the provisions of this section. (Amended by Charter Amendment approved by voters in September 1983; renumbered by Charter Amendment 7 approved by voters in September 1991)

**Article VIII**

**FRANCHISES AND PUBLIC UTILITIES**

**Section 1. Granting of Franchises**

Franchise ordinances relating to any street, alley, or public place of the City must be approved by a majority of all of the members of the City Council. Any franchise relating to any street, alley or public place is subject to the initiative and referendum powers reserved to the people pursuant to Article XX, Section 4 of the Colorado Constitution. (Amended by Ord. 957 approved by voters on 11/7/06)

**Section 2. Right of Purchase.**

Every grant of a franchise or right for public utility within the City shall provide that the City may purchase and take over the property and plant of the grantee, upon payment of its fair value, and in the manner to be specifically set forth in the ordinance granting such franchise. The Council shall have the power to extend or enlarge existing franchises by ordinance. (Amended by Ord. 957 approved by voters on 11/7/06)

**Section 3. Powers and Regulations.**

The City reserves the right to make all regulations which may be necessary to insure safety and welfare, and to protect the public from danger or inconvenience in the operation of any franchise. (Amended by Ord. 957 approved by voters on 11/7/06)

**Section 4. Review.**

Franchises shall be granted for a period not to exceed 25 years. (Amended by Ord. 957 approved by voters on 11/7/06)

**Article IX**

**EMINENT DOMAIN**

**Section 1. Powers of City.**

In carrying out the powers and duties imposed upon it by this Charter, or by the general statutes, the City shall have power to acquire within or without its corporate limits, lands, buildings and other properties and any interest in land and air rights over land and may take the same upon paying a just compensation to the owner as provided by law; and where property is acquired by condemnation the City shall have the power to acquire an excess over that needed for the purpose of improvement for which such property is acquired and to sell or lease such excess property with restrictions in order to

protect the purpose for which the same was acquired.

## **Article X**

### **INITIATIVE, REFERENDUM, AND RECALL**

(Repealed and reenacted by Ord. 957 approved by voters on 11/7/06)

#### **Section 1. Definition of Initiative and Referendum.**

A. Initiative: The registered voters of the City shall have the power to propose ordinances to the Council. If the Council fails to adopt such an ordinance without any change in substance, the voters may adopt or reject it at an election.

B. Referendum: The registered voters of the City shall have the power to require reconsideration by the Council of any adopted ordinance. (Added by Ord. 957 approved by voters on 11/7/06)

#### **Section 2. Scope of Ordinances.**

Any proposed, initiated, or referred ordinance may be submitted to the Council by petition, signed by the registered voters of the City equal to the number required in Section 7 below. Power of initiative or referendum shall not extend to the budget or capital programs or to any ordinance relating to the appropriation of money, authorizing the issuance of bonds, the levy of special assessments, or salaries of City officers and employees. (Added by Ord. 957 approved by voters on 11/7/06)

#### **Section 3. Recall.**

Any Council member or the Mayor may be recalled after holding office for six months. (Added by Ord. 957 approved by voters on 11/7/06)

#### **Section 4. Commencement of Proceedings.**

Petitioners Committee Affidavit: Any five (5) registered voters may commence initiative, referendum or recall proceedings by filing with the City Clerk an affidavit stating they constitute the Petitioners Committee. They will be responsible for circulating the petitions, and filing them in proper form, and stating their names and street addresses, and specifying the address to which all notices to the committee are to be sent.

A. In the case of an initiative, the affidavit shall set forth the proposed ordinance in full.

B. In the case of a referendum ordinance, the affidavit shall set forth the referred ordinance.

C. In the case of a recall, the affidavit shall demand the recall of the Council member named in said affidavit, and shall contain a general statement, in not more than 100 words, of the ground or grounds for which the recall is sought. (Added by Ord. 957 approved by voters on 11/7/06)

#### **Section 5. Duty of Clerk.**

Upon the filing of the necessary affidavits by the Petitioners Committee, the City Clerk shall prepare the appropriate petition blanks for the initiative, referendum, or recall, and shall designate the number of signatures necessary for each such proceeding as provided in Section 7 below. (Added by Ord. 957 approved by voters on 11/7/06)

#### **Section 6. Petitions.**

A. Form and Content: All papers of a petition shall be uniform in size and style, and shall be

assembled as one instrument for filing. Each signature shall be executed in ink and shall be followed by the street address of the person signing. Petitions for initiative or referendum shall contain or have attached, throughout their circulation, the full text of the ordinance proposed or to be reconsidered. In the case of a recall, the petition shall contain the name of the individual and the reasons for recall. All petitions shall be headed by this statement, "ONLY REGISTERED VOTERS RESIDING WITHIN THE CRAIG CITY LIMITS MAY SIGN".

B. Affidavit of Circulation: Each paper of a petition shall have attached to it when filed, an affidavit executed by the circulator thereof, stating:

1. The person personally circulated the petition;
2. The number of signatures;
3. That all the signatures were affirmed in his presence;
4. That he believes them to be genuine;
5. That each signer had an opportunity before signing to read the full text of the initiated ordinance proposed, the recall petition, or the ordinance to be reconsidered. (Added by Ord. 957 approved by voters on 11/7/06)

#### **Section 7. Submission of Petitions.**

After obtaining the necessary signatures, the petitions shall be returned to the City Clerk not more than thirty (30) days after their issuance. The petitions shall be sufficient when submitted as follows:

A. Initiative: The petition shall be signed by the registered voters of the City equal to no fewer than fifteen percent of the total number of registered electors within the City of Craig.

B. Referendum: The petition shall be signed by registered voters of the City equal to no fewer than ten percent of the total number of registered electors within the City of Craig.

C. Recall: The petition shall be signed by registered voters of the City equal to no fewer than twenty-five percent of the total vote cast at the last municipal election. (Added by Ord. 957 approved by voters on 11/7/06)

#### **Section 8. Examination by Clerk.**

Within ten days from the filing of any petition the City Clerk shall determine whether the petition is signed by the correct number of registered voters and if sufficient, shall attach a certificate of sufficiency. If the petition is insufficient, the Clerk shall immediately notify the Petitioners Committee by certified mail, at the address designated by the Petitioners Committee. The petition may then amended within ten days of receipt of notification of the certificate of insufficiency. Upon filing of the amended petition, the City Clerk shall, within five days, examine the amended petition, and shall attach a certificate. If still insufficient, the City Clerk shall notify the Petitioners Committee of the insufficiency of the petitions and the proceedings shall terminate. Petitions shall be retained only for a period of one year. The termination of any proceeding due to insufficiency of petition shall preclude the initiation of any proceeding pertaining to the same subject matter or same elected City official for one year. (Added by Ord. 957 approved by voters on 11/7/06)

#### **Section 9. Certification to the Council.**

If the petitions are certified as sufficient by the City Clerk, the Clerk shall at the next regular Council meeting, present the petitions to the Council which shall act as follows:

A. In the case of an initiative ordinance, the Council shall, within thirty (30) days after the attachment of the Clerk's certificate of sufficiency, either:

1. Pass said ordinance without any change in substance;

2. Call a special election to be held not less than thirty (30) nor more than ninety (90) days, unless a regular election shall occur within 90 days, after certification to the Council.

B. In the case of a referred ordinance, the ordinance shall be suspended upon certification to the Council of the sufficiency of the petition, and the Council shall first reconsider the ordinance. If the ordinance is not entirely repealed by the Council, the proposed referendum ordinance shall be submitted, without alteration, to the vote of the registered voters of the City. The election shall not be held less than thirty (30) nor more than ninety (90) days after certification to the Council unless a regular election shall occur within 90 days.

C. In the case of a recall, the Council shall set a date for a recall election. The election shall be held not less than 30 nor more than 90 days after certification to the Council. (Added by Ord. 957 approved by voters on 11/7/06)

#### **Section 10. Publication and Form of Ballot.**

A. Initiative: The ordinance shall be published in full, not less than ten days prior to the date of the election. The ballot heading upon which the proposed ordinance is submitted shall contain a brief summary and the ballot shall contain the words, "FOR THE ORDINANCE" and "AGAINST THE ORDINANCE".

B. Referendum: Referred ordinances shall be published, and the ballot shall follow the same form as provided for initiated ordinances.

C. Recall: The ballot shall be published in full, not less than ten days prior to the date of the recall election. It shall contain the reasons set forth in the petition for recall, and there shall also be printed the words "SHALL (name of the person upon whom the recall is filed) BE RECALLED FROM OFFICE?" (Added by Ord. 957 approved by voters on 11/7/06)

#### **Section 11. Effect of Election on Recall.**

If a majority of the registered voters favor an initiative, the proposed ordinance shall become effective immediately. If a majority of the registered voters favor a referred ordinance, the ordinance shall immediately go into effect. If a majority of persons voting recall approve the recall, the office shall be declared vacant immediately. The vacancy shall be filled as provided in Article II of this Charter. The completion of any proceeding under this Article shall preclude the initiation of any subsequent proceedings pertaining to the same topic or same person for one year. (Renamed and amended by Ord. 957 approved by voters on 11/7/06)

#### **Section 12. Submission by Council.**

The Council shall have the power to submit any proposed ordinance to the vote of the people. (Added by Ord. 957 approved by voters on 11/7/06)

### **Article XI**

#### **ANNEXATION**

(Renumbered by Charter Amendment 5, adopted September 26, 1989; repealed and reenacted by Ord. 957 approved by voters on 11/7/06)

#### **Section 1. Requirements.**

(a) Subject to the further requirements set forth in Subsections (b) and (c) hereof, the City Council shall have the power to annex territory to the City in accordance with the procedure and

requirements of the applicable State law and any amendments thereto.

(b) The City Council shall consider each petition for annexation carefully with a view toward proper compensation to the City for use by the annexed areas of existing sewer and water facilities of the City.

(c) The Council may, in addition to the requirements hereinabove set forth, make any other reasonable requirements upon the territory to be annexed as a condition precedent to annexation. This may include improving infrastructure within previously developed properties to meet City standards. (Amended by Charter Amendment 1, adopted 9/29/1959; amended by Ord. 957 approved by voters on 11/7/06)

## **Article XII**

### **GENERAL, MISCELLANEOUS AND TRANSITIONAL PROVISIONS**

(Renumbered by Charter Amendment 5, adopted September 26, 1989; repealed and reenacted by Ord. 957 approved by voters on 11/7/06)

#### **Section 1. Charter Amendments.**

This Charter may be amended at any time in the manner provided by Article XX of the Constitution of the State of Colorado. (Repealed and reenacted by Ord. 957 approved by voters on 11/7/06)

#### **Section 2. Effective Date of Charter.**

This Charter shall become effective immediately upon filing with the Secretary of State of Colorado following approval of the registered electors of the City. (Repealed and reenacted by Ord. 957 approved by voters on 11/7/06)

#### **Section 3. Penalties for Violation of Charter.**

Any violation of this Charter shall be deemed a misdemeanor. Any person convicted of such violation may be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one hundred eighty days, or by both such fine and imprisonment. (Repealed and reenacted by Ord. 957 approved by voters on 11/7/06)

#### **Section 4. Prior City Legislation.**

All ordinances, resolutions, rules, regulations, policies and procedures of the City which are not inconsistent with this Charter and which are in force and effect on the effective date of this Charter, shall continue in force and effect until repealed or amended. Any provision of any ordinances, resolutions, rules and regulations, policies and procedures which are inconsistent with this Charter is hereby repealed. (Repealed and reenacted by Ord. 957 approved by voters on 11/7/06)

#### **Section 5. Duties of Officers and Employees.**

The officers and employees holding offices or positions at the time of adoption of this Charter shall continue to serve and carry out the functions, powers and duties of their offices or positions under the terms of this Charter, and in the case of elected officers, until their successors are duly elected and qualified as provided for in Article VI of this Charter. (Repealed and reenacted by Ord. 957 approved by voters on 11/7/06)

**Section 6. Outstanding Bonds and Indebtedness.**

The provisions of this Charter shall not invalidate any outstanding bonds or indebtedness of the City of Craig, Colorado; provided, however, that any outstanding bonds or indebtedness may be paid or refinanced, at the election of the Council, under the applicable provisions of this Charter. (Repealed and reenacted by Ord. 957 approved by voters on 11/7/06)

**Section 7. Construction of Words.**

Whenever such construction is applicable, words used in the Charter importing singular or plural number may be construed so that one number includes both; words importing masculine gender may be construed to apply to the feminine gender as well; and the word person may extend to and include firm and corporation; provided, that these rules of construction shall not apply to any part of this Charter containing express provisions excluding such construction or where the subject matter or context is repugnant thereto. (Repealed and reenacted by Ord. 957 approved by voters on 11/7/06)

**Section 8. Construction of Charter.**

In the event any section or part of a section of the Charter shall be declared unconstitutional or invalid by a Court of competent jurisdiction, the validity of the remaining sections and parts of sections shall not be affected thereby. (Repealed and reenacted by Ord. 957 approved by voters on 11/7/06)

**Section 9. Saving Clause.**

Neither the adoption of this Charter nor the amendment or repeal of any ordinance, resolution, rule, regulation, policy or procedure, or portion thereof, inconsistent with this Charter, shall be construed to destroy any property right, contract right or right of action of any nature or kind, civil or criminal, vested in or against the City by virtue of any such ordinance, resolution, rule, or regulation, policy or procedure, or portion thereof, or any other provision of law theretofore existing or otherwise accruing to the City. All such rights shall vest in and inure to the City or to any persons asserting any such claims against the City as fully and as completely as though this Charter had not been adopted and as though there had been no amendment or repeal of any ordinance, resolution, rule, regulation, policy, contract or procedure, or portion thereof. Such rights shall include but not be limited to:

(a) Any contractual relationships between the City and any employee by virtue of any retirement and pension plans in effect on the effective date of this Charter; and

(b) Any franchise ordinances and agreements of the City in effect on the effective date of this Charter; and

(c) Any contracts between the City and any person, company, individual, entity, government or corporation. (Repealed and reenacted by Ord. 957 approved by voters on 11/7/06)

**Article XIII**

**DEFINITIONS**

(Added by Ord. 957 approved by voters on 11/7/06)

1. **Appropriation** means the authorized amount of monetary funds designated for an expenditure during a specified time for a specified purpose, usually as an appropriation of funds in the city budget or amendment thereto.

2. **Board or Commission** or **Board and Commission** means the boards and commissions established by this Charter or ordinances.

3. **Capital Improvement** means infrastructure and facilities including, but not limited to, streets, parks, sanitary and storm sewers, water mains, and other works of public improvement as the City Council may define under the terms and requirements of the ordinances of the City.
4. **City** means the City of Craig, Colorado.
5. **Clerk** means the City Clerk of the City of Craig or such office designation as may be used in place of the office of City Clerk.
6. **Council** or **City Council** means the governing body constituting the City Council of the City of Craig, including the Mayor.
7. **Council member** means each member of the City Council, except the Mayor, except as provided otherwise in this Charter.
8. **Elected Official** means the Mayor and each Council member, whether elected or appointed.
9. **Emergency Ordinance** means an ordinance which, in the opinion of the City Council is necessary for the immediate preservation of the public property, health, welfare, peace and safety.
10. **Employee** means each compensated person in the service of the City who is designated as employee in the personnel policies or applicable rules and regulations of the City.
11. **Entire Council** means all of the members of the Council, including the Mayor, provided for in Article II.
12. **Franchise** means a right conferred by the City (such as to a public utility) to use public property for public use but for private profit.
13. **Initiative** means the power of the registered electors of the City of Craig to propose to City Council, in accordance with the provisions of this Charter, certain ordinances for adoption by City Council which, if not adopted by Council, shall be submitted to a vote of the registered electors of the City for acceptance or rejection, in accordance with the provisions of this Charter.
14. **Manager** means the City Manager of the City Craig appointed by City Council.
15. **Mayor** means the Mayor of the City of Craig.
16. **Newspaper** means a newspaper of general circulation in the City which meets the requirements for a legal newspaper as established in the State statutes.
17. **Notice** means that notice may be provided to the public as prescribed by this Charter and/or by ordinance by any or all means and methods of communication.
18. **Ordinance** means a permanent law or regulation adopted by legislative action of the City Council pursuant to the procedures set forth in this Charter or by ordinances.
19. **Publication** or **Posting** means:
  - (a) Publication in a newspaper of general circulation; or
  - (b) Publication by electronic means or methods; or
  - (c) In the event of an emergency, or when no such newspaper is available, posting. Anything published by such posting because of an emergency shall subsequently be published in a newspaper of general circulation or published electronically; or
  - (d) Posting shall be effected by providing written or printed notice in various locations throughout the City as provided by ordinance or resolution.
20. **Quorum** means the number of officers or members of a body that when duly assembled is legally competent to transact business. A quorum of the City Council is four members.
21. **Recall** means a method of removing a City Council member or members in accordance with provisions of this Charter
22. **Referendum** means the power of the registered electors of the City of Craig to request that City Council reconsider certain ordinances adopted by the Council as provided in this Charter; and, if Council fails to repeal such ordinances, to require that Council submit the referred ordinances to a vote of the registered electors of the City for approval or rejection, in accordance with the provisions

of this Charter.

23. **Registered Elector** means an elector who has registered in compliance with the provisions for registration to vote as provided in the State statutes.

24. **Resolution** means an expression of an opinion, will or intent or a ministerial act of Council without any required form or procedure, as distinguished from legislative acts embodied in City ordinances.

25. **State Constitution** or **Colorado Constitution** means the Constitution of the State of Colorado, as amended from time to time.

26. **State statutes** means the statutes of the State of Colorado, as amended or repealed from time to time.

27. **Treasurer** means the City Treasurer of the City of Craig or such office designation as may be used in place of the office of Treasurer such as the Director of Finance. (Added by Ord. 957 approved by voters on 11/7/06)

### Charter Amendments

<u>No.</u>	<u>Date Adopted</u>	<u>Subject and Disposition</u>
4	9/91	Amends Art. V §§1, 2, city attorney (Art. V §§1, 2)
7	9/91	Repeals Art. VII, Part III §27, renumbers and amends Art. VII, Part III §28 to §27, city property, renumbers §§29, 30, 31, 32, and 33 to be §§28, 29, 30, 31, and 32 (Art. VII, Part III §§27--32)
8	9/91	Repeals §12 of Art. III, notice of personal injuries, renumbers § 13 to be 12 (Art. III §12)
B	9/28/93	Amends Art. II §6, city council (Art. II §6)
C	9/28/93	Amends Art. II §2, city council; removes 1956 certification of the charter; amends Art. II §3, city council; amends Art. II, §4, city council (Art. II §§2, 3, 4)
E	9/28/93	Changes references "qualified elector(s)" and "qualified taxpaying elector(s)" to "registered elector(s)" and "registered taxpaying elector(s)" throughout the charter
Reso. 3	9/26/95	Amends Art. II §1, Council membership; VI §1, City elections (Art. II §1, Art. VI §1)
918	4/1/03	Amends Art. VII §28, Contracts for improvements (Art. VII §28)
957	11/7/06	Amends Art. II §§2, 3, 4, 5, 6, 7, 8, 10 and 13, city council; amends and renames Art. II §§11, bonding, and 12, ordinances, resolutions and motions; amends Art. III §§1, 2, 3, 4 and 5, departments of city government; moves and amends §6, "charter amendment" to Art. XII §1, deletes §§7, 8, 9, 10 and 12; moves §11, outgoing officers and employees, to Art. VII §25, finance administration; amends Art. IV §2 Municipal Court; amends Art. V §1, city attorney; repeals and reenacts Art. VI §§1, 2, 3 and 4, elections; repeals Art. VII Part II heading; "department of finance," finance administration; amends §§2, 3 and 31; renumbers §§7, 8, 9, 10, 11, 12, 13, 14, 15, (and amends) 16, 17, 18, 19, 20, 21,

22, 23, 24; adds §11 from Art. III as §25; renumbers §§25 through 28 as §§26 through 29 and adds §30; financial services prohibited; repeals and reenacts Art. VIII, franchises and public utilities; repeals and reenacts Art. X, initiative, referendum, and recall; repeals and reenacts Art. XI, annexation; repeals and reenacts Art. XII, general, miscellaneous and transitional provisions; adds Art. XIII, definitions