

## **CHAPTER 2**

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**Sec. 2-1. Compensation of officers generally.**

Except as otherwise provided in this Chapter, the officers of the City shall receive such compensation as may be provided by the City Council.

**Sec. 2-2. Compensation of Aldermen.**

Each Alderman of the City shall receive one hundred dollars (\$100.00) per month, payable each month in a like manner as the City employees are paid. (Ord. 377, §1; Ord. 548, §1)

**Sec. 2-3. Compensation of Mayor.**

The Mayor of the City shall receive two hundred dollars (\$200.00) per month in like manner as the City employees are paid. (Ord. 377, §2; Ord. 548, §2)

**Sec. 2-4. Bond of City officers.**

Before entering upon the discharge of their duties, the City officers shall enter into a bond to the City in an amount prescribed by the City Council, conditioned for the faithful performance of their duties and the accounting to the City for all moneys coming into their hands as such officers. (1949 Comp., §§1.0210 to 1.0213)

**Sec. 2-5. Policemen's pensions; source of funds.**

The City, in compliance with the provisions of state statutes, does hereby authorize and direct the monthly payment to the policemen's pension fund an amount equal to that required from time to time by the State Policemen's and Firemen's Pension Reform Law and the Fire and Police Pension Association in administering said Law; provided, however, that the members of such Police Department shall, from their respective monthly salaries, contribute into the City's policemen's pension fund identical percentages monthly of their respective monthly salaries sothat the contribution of the Police Department as a whole shall match the contribution for the City's general fund. (Ord. 386, §1; Ord. 599, §1(part))

**Sec. 2-6. Board of Trustees established.**

The Board of Trustees of the policemen's pension fund shall consist of the Mayor, the City Treasurer, the Clerk, and one (1) member of the Police Department who shall be elected by that department. Said Board shall elect from its members a president and a secretary. The City Treasurer shall be ex officio treasurer of said Board and administer the funds under the jurisdiction of the Board. Said Board will serve without salary and shall have that authority and those duties and responsibilities specified by the police pension laws of the State and the City. (Ord. 386, §1; Ord. 599, §1(part))

**Sec. 2-7. Pension benefits for disability or death.**

(a) The provision for pension benefits under the local plan for employees who were hired prior to April 8, 1978, who have elected under Section 31-30-1003(3)(b) C.R.S., 1973, not to be covered by the statewide plan shall be as follows:

(1) If any such member of the Police Department, while in performance of his or her duty or by reason of service in such department, shall become physically or mentally disabled, and such disability shall be deemed to be of a temporary nature, the Board of Trustees of the policemen's fund shall retire such disabled person, and shall authorize the payment to such person, monthly from the pension fund, an amount equal to the monthly compensation paid any such member as salary at the date of such disability, not to exceed a period of one (1) year. For the purpose of determining the physical or mental disability of any such member, the Board of Trustees may personally examine the member or may appoint one (1) or more physicians or surgeons to make an examination of the member and report their findings to the Board, which report may be taken into consideration in determining whether such member is physically or mentally disabled.

(2) If any such member or officer of the Police Department shall become mentally or physically disabled so as to render necessary his or her retirement from service in such department, the Board of Trustees shall retire such member from service in such department, and he or she shall receive from the pension fund an amount equal to one-half ( $\frac{1}{2}$ ) of the monthly salary received by him or her at the time he or she became disabled.

(3) When any member of such Police Department or retired member dies and leaves a dependent surviving spouse or dependent parent or children under the age of sixteen (16) years, the Board of Trustees shall authorize the payment monthly from the pension fund of an amount equal to one-fourth ( $\frac{1}{4}$ ) the monthly salary received by said member of the department at the time he or she died to such surviving spouse or dependent parent and an amount equal to one-eighth ( $\frac{1}{8}$ ) of the monthly salary received by said member of the department at the time he or she died to each minor child until such child reaches the age of sixteen (16) years. No person shall be paid to the dependent parent of the deceased member who leaves a surviving spouse, and, if the surviving spouse of any deceased member remarries, such pension shall cease.

(4) If at any time there should not be sufficient money or other property in the pension fund to pay to each beneficiary the full amount per month to which such beneficiary maybe entitled, then in that event, an equal percentage of such monthly payment shall be made to each, until such fund is so replenished as to warrant in full to such beneficiaries.

(b) The pension and disability or death benefits of those members of the Police Department hired after April 8, 1978, or those who, regardless of hiring date, have elected to be covered under the statewide plan, shall be as determined and provided by the state laws governing policemen's pensions. (Ord. 386, §3; Ord. 599, §1(part))

**Sec. 2-8. Pension benefits based on age or service.**

(a) The pension benefits of those members of the Police Department hired after April 8, 1978, and those who, regardless of hiring date, have elected to be covered under the statewide plan, shall be determined and provided by the state laws governing policemen's pensions.

(b) Election.

(1) Any member of the Police Department hired prior to April 8, 1978, who has elected under Section. 31-30-1003(3)(b), C.R.S., not to be covered by the statewide plan and who shall have reached the age of fifty-five (55) years in such Department, or who, in the alternative, shall have

completed twenty-five (25) years in any such Department, shall be entitled to a monthly pension equal to one-half ( $\frac{1}{2}$ ) the amount of the average monthly salary he or she shall have received as a member of the Department for one (1) year prior to the day of the granting of the pension application. The monthly pension so determined is hereinafter referred to as the *base pension*.

(2) Further, any such member of the Police Department hired prior to April 8, 1978, who has elected not to be covered by the statewide plan who shall not retire but shall continue in employment in the Police Department after completing twenty-five (25) years of service in such Department shall be entitled to an enhanced base pension equal to the amount of the base pension specified in the preceding paragraph increased by four percent (4%) of said amount for each full year of employment in the Police Department after the first twenty-five (25) years of service; provided that any such enhanced base pension shall not exceed a maximum of seventy-four percent (74%) of the average salary he or she shall have received as a member of the Department for one (1) year prior to the day of the granting of the pension application.

(c) In addition to the base pension, a retiree shall be entitled to receive the full amount of any *cost of living* adjustment or increase in the amount of the monthly pension to which the retiree is entitled by the terms of a resolution adopted by the City Council for such purpose. The combined amount of the base pension and any applicable adjustment or increase thereto shall be referred to as the *aggregate pension*.

(d) The aggregate pension payable to any person who shall have been retired for one (1) full year prior to December 31, 1992, shall be increased three percent (3%) effective January 1, 1993.

(e) The aggregate pension payable to any person who shall have been retired for one (1) full year prior to December 31, 1993, shall be increased three percent (3%) effective January 1, 1994.

(f) The aggregate pensions payable to any person who shall have been retired for one (1) full year prior to December 31, 1994, shall be increased three percent (3%) effective January 1, 1995. (Ord. 768; Ord. 770, §1; Ord. 808; Ord. 822)

#### **Sec. 2-9. Public bids; contracts let by Mayor.**

Whenever the City shall authorize the construction of any local or special improvement within the City, the cost of which is to be assessed upon the lots or parcels of land abutting upon or adjacent to any such improvement, or within an improvement district created therefor, the contract for such local or special improvement shall be let by the Mayor, with the approval of the City Council. (1949 Comp., §1.0301)

#### **Sec. 2-10. Contracts let to lowest bidder.**

The contracts referred to in the preceding Section shall be let to the lowest reliable and responsible bidder after notice being given as provided by the Council. (1949 Comp. §1.0301)

#### **Sec. 2-11. Designation of depositories.**

All funds of the City shall be deposited in such banks in the City as may from time to time be designated by the City Council as depositories for City funds. (1949 Comp., §1.0401)

**Sec. 2-12. Security to be provided by depositories.**

No moneys shall be deposited in any of the banks designated as City depositories until good and sufficient security therefor shall have been furnished and approved by the City Council. (1949 Comp., §1.0402)

**Sec. 2-13. Deposits made at City's discretion.**

The City Council may from time to time fix the proportion of moneys which may be deposited in each of the banks designated as City depositories and the rate of interest to be paid by such banks or authorize the making of such deposits without interest. (1949 Comp., §1.0403)

**Sec. 2-14. Regular and special meetings of the City Council.**

(a) The Council shall hold its regular meetings on the first and third Tuesday of each month at the City Hall at an hour to be fixed from time to time by the rules of procedure of each Council. If the first Tuesday or the third Tuesday of any month shall fall upon a day fixed by law as a national holiday, the regular meeting of the Council shall not be held on the holiday but shall be held at the same hour and place on the next following day which is not a holiday.

(b) Any meeting of the City Council at a time other than on the first and third Tuesday of each month shall be considered to be a special meeting of the City Council and may be called or scheduled by the City Council or by the Mayor in accordance with the following Subsections (1) and (2) of this Section.

(1) The City Council by action at any regular or special meeting may call or schedule a special meeting of the City Council at such time and place in the City as the Council shall decide. Whenever a special meeting shall be thus called or scheduled, no additional notice of such special meeting shall be required and the Council is authorized to conduct any official business that may come before it.

(2) The Mayor may call special meetings of the City Council whenever, in his or her opinion, the public business may require it. The Mayor shall call a special meeting upon the written request of three (3) Aldermen. Whenever a special meeting shall be called by the Mayor, whether upon his or her own initiative or after request, a notice in writing shall be served upon each Alderman at least twenty-four (24) hours prior to the special meeting. Service of notice of such special meeting shall be made by personal delivery of a copy of the notice to each Alderman or by leaving a copy of the meeting notice at the Alderman's place of residence. Such notice shall state the day, hour and place of the meeting and the purpose for which such meeting is called. No formal action shall be taken upon any business except that specified in the notice. (Ord. 704, §1)

**Sec. 2-15. Collection and expenditure of certain annual revenues.**

(a) The City, by authority of People's Ordinance No. 1-1993, adopted and approved by the electorate at the general election held November 2, 1993, is authorized and empowered to collect, retain and expend the full amount of revenues generated during 1993 and each subsequent year by interest on invested funds, by its existing sales and use tax rates, by nonfederal grants and by franchise fees and payments in lieu of franchise fees and taxes; and to expend such revenues for: (1)

police protection; (2) snow removal; (3) street sweeping; (4) street construction; repair and maintenance; (5) City lawns, trees, parks and recreation; and (6) for other basic City services and lawful municipal purposes; without limiting in any year the amount of other revenues that may be collected and expended by the City.

(b) Nothing in this Section shall be interpreted to authorize any future increase in the sales and use tax rates without a vote of the people if and when required by Article X, Section 20 of the State Constitution. (People's Ord. 1-1993)

**Sec. 2-16. Collection and expenditure of certain property tax revenues.**

(a) The City, by authority of People's Ordinance No. 2 (1995), adopted and approved by the electorate at the general election held November 7, 1995, is authorized to collect and retain the full amount of revenues generated during 1996 (estimated to be forty-eight thousand six hundred ten dollars [\$48,610.00] in excess of its revenue and spending base under the State Constitution), as well as the full amount of revenues generated in each year after 1996 by the present municipal property tax levy of 13.254 mills, and to spend such revenues in each such year for (1) police protection; (2) snow removal; (3) street sweeping; (4) street construction, repair and maintenance; (5) City lawns, trees, parks and recreation; and (6) for other basic City services and lawful municipal purposes; notwithstanding any state restriction on fiscal year spending, including the restrictions of Article X, Section 20 of the State Constitution.

(b) Nothing in this Section shall be interpreted to authorize any future increase in the property tax rates without a vote of the people when required by Article X, Section 20 of the State Constitution. (People's Ord. 2 (1995))

**Sec. 2-17. Director of Human Resources and Risk Management**

(a) Establishment of office. There is hereby established for the City the office of Director of Human Resources and Risk Management.

(b) Supervision. The Director of Human Resources shall serve under the direct supervision of and shall report directly to the City Manager.

(c) Duties. The Director of Human Resources and Risk Management shall function primarily by providing information, advice and recommendations to the City Manager and to City boards, commissions and officers charged with the duty of hiring, promoting and discharging personnel and with risk management decisions. The essential duties and responsibilities of the Director of Human Resources and Risk Management shall be as set forth in a job description for this position as may be adopted and approved from time to time by the City Council. (Ord. 897; Ord. 1016; Ord. 1046)

**Sec. 2-18. Residency requirement – City Manager, Chief of Police and Fire Chief.**

The City Council shall have the power to appoint a City Manager, the Chief of Police and the Chief of the Fire Department to supervise the affairs of the City and to secure a strict enforcement of the requirements of the Charter and the ordinances of the City, all of whom shall reside within the territorial boundaries of the City of Fort Morgan, Colorado. (Ord. 927; Ord. 1058, §2)

**Sec. 2-19. City Manager shall serve as Chief Administrative Officer.**

The City Manager is hereby designated as the Chief Administrative Officer of the City and shall have the following powers, duties and responsibilities:

(1) Oversees and coordinates the day-to-day operations of all City departments; responsible to the Council for the overall administration of municipal operations of the City in accordance with the ordinances, policies, plans, objectives and budget adopted or approved by the Council.

(2) Provides executive leadership that encourages good performance by all employees of the City.

(3) Supervises day-to-day operations of all City departments, except the Police Department, Volunteer Fire Department, Municipal Court, Finance Department, City Clerk, City Attorney and City Engineer.

(4) In consultation with the Director of Human Resources, coordinates and participates in the hiring process for all appointed officials and department heads; makes recommendations to the Council of the person to be appointed and hired to fill all other appointed positions; in consultation with the Director of Human Resources and working through the appropriate appointed official or department head, has authority to hire, promote, discipline and dismiss any employee of the City, except the Chief of Police, Chief of the Volunteer Fire Department, Municipal Judge/Police Magistrate, City Treasurer, City Clerk, City Attorney, City Engineer or the Health Commissioner, all of whom are appointed by the City Council.

(5) Chairs the Finance Committee and, with the City Treasurer, has responsibility for preparing and submitting a draft City budget each year by the third Tuesday in October.

(6) Coordinates, directs and supervises the implementation of the policies and programs of the Council, reporting regularly of the progress thereon to the Council.

(7) Coordinates and directs presentations by City Staff to the Council on policy proposals and ongoing municipal operations, making recommendations thereon where appropriate.

(8) Ensures that the Council receives such information and reports as it requires to make effective policy decisions and to monitor the effectiveness of administrative operations.

(9) Attends, or is represented by a delegate at, all meetings of the Council, Council committees, boards and commissions and assists in the decision-making process by providing advice, guidance and consultation as required.

(10) Reports to the Council on the effectiveness of its policies and programs and recommends changes thereto to achieve the Council's objectives as the Council's Chief Policy Advisor.

(11) Communicates with the Mayor and other members of the Council, appointed officials and department heads on the preparation of agendas for Council meetings.

(12) Reviews the City's organization and department structure regularly and recommends to the Council changes to improve operational effectiveness and efficiency. (Ord. 1034; Ord. 1047; Ord. 1058, §2)

**Sec. 2-20. Prohibited gifts to City officials.**

(a) Definitions. As used in this Chapter, the following words, terms and phrases shall have the following meanings, except where the context clearly indicates otherwise:

*Board and commission member* shall mean any person duly appointed by the Council to any board or commission of the City.

*City official* shall mean a council member, an employee or a board and/or commission member.

*Council member* shall mean a member of the Council.

*Employee* shall mean each compensated person in the service of the City who is designated as an employee under the provisions of the Charter, but shall not include any person providing services to the City who, for federal income tax purposes, is considered an independent contractor.

*Gift* shall mean the transfer of a thing of value by one (1) person to another person without the person transferring the thing of value receiving in return lawful compensation or consideration of equal or greater value from the person receiving the thing of value. However, a *gift* shall not mean any thing of value given to a person by a local, state or the federal government as authorized by law.

*Person* shall mean any individual, corporation, business trust, estate, trust, Limited Liability Company, partnership, labor organization, association, political party, committee or other legal entity.

*Thing of value* shall mean any tangible or intangible thing having a market value, including, without limitation, money, real property, personal property, services, loans of money or property, favors, gratuities, rewards, awards, grants, scholarships, discounts, promises of future employment, honoraria, event tickets, travel, lodging, meals, and the forbearance and forgiveness of debt.

(b) Prohibited gifts. Unless permitted under Subsection (c) below, a City official shall not solicit or accept any gift from any person either directly or indirectly through the City official's spouse or dependent child, which gift the City official knows or which a reasonable person in the City official's position should know under the circumstances is either:

(1) A gift that would tend to improperly influence that City official to depart from the faithful and impartial discharge of his or her public duties; or

(2) Is a gift being solicited or given for the primary purpose of rewarding the City official for an official action he or she has taken.

(c) Permitted gifts. The gift prohibitions of Subsection (b) above shall not apply to City officials with respect to the following permitted gifts:

- (1) Campaign contributions as authorized by law;
- (2) A nonmonetary award, publicly presented, in recognition of public service;
- (3) Gifts similarly available to the general public;
- (4) Educational scholarships and grants available to members of the general public similarly situated;
- (5) Grants and services provided for medical, respite or hospice care or other social welfare needs available to members of the general public similarly situated;
- (6) An occasional, unsolicited gift having a fair market value of fifty dollars (\$50.00) or less;
- (7) Unsolicited information material, publications or subscriptions related to the City official's performance of his or her official duties;
- (8) An unsolicited token or award of appreciation in the form of a plaque, trophy, desk item, wall memento or similar item;
- (9) Payment of or reimbursement for actual and necessary expenditures for registration, travel, lodging and meals for attendance at a convention, training seminar or other meeting at which the City official is scheduled to participate as a representative of the City or to attend as part of his or her official duties;
- (10) An occasional, unsolicited opportunity to participate in a business meeting or social function where a meal is served and/or entertainment is provided if the City official's attendance would not be considered extraordinary when reviewed in light of the position held by the City official;
- (11) Payment received by a Council member for a speech, appearance or publication required to be reported by the Council member pursuant to Section 24-6-203, C.R.S.;
- (12) Gifts received by a Council member or a board and commission member arising from his or her employment and that are unrelated to his or her official City duties;
- (13) Gifts received by an employee from the City as authorized in the City's Charter and any gifts received by an employee arising from his or her non-City employment and that are unrelated to his or her official City duties;
- (14) Anything given by an individual who is a relative or personal friend of the recipient;
- (15) Items of perishable or nonpermanent value, including but not limited to meals, lodging, travel expenses or tickets to sporting, recreational or cultural events;
- (16) Payment for a speech, appearance or publication reported pursuant to Section 24-6-203, C.R.S.;

(17) Payment of salary from employment, including other government employment, in addition to that earned from being a member of the City Council or by reason of service in other public office; and

(18) Anything given as part of an interoffice gift exchange.

(d) Violations.

(1) It shall be unlawful for any City official to violate any provision of this Chapter. Proof of a violation shall be established by a preponderance of the evidence presented at trial.

(2) Any City official determined by the Municipal Court to have violated any provision of this Chapter shall be deemed to have committed a civil infraction and shall be punished by a civil fine not to exceed one thousand (\$1,000.00) dollars. In addition to any civil fine imposed, a judgment in the amount of twice the fair market value of the prohibited gift received shall also be entered by the Municipal Court against the City official. If the City official fails to pay the total judgment amount entered for the civil fine and for twice the fair market value of the prohibited gift within sixty (60) days of the entry of the final judgment, the City may pursue any legal means available to it for the collection of the judgment. (Ord. 1045)

**Sec. 2-21. Requests for cash and in-kind donations.**

(a) Except as provided in Subsection (b) below, all requests for in-kind services or cash donations by an organization that provides a service for the community or that organizes a community event shall be made by application to the City Treasurer. Such application shall be submitted on or before the first day of September for consideration in the budget process for the upcoming year and shall identify the need in the community for the expense and the benefit such expense will provide to the community. The application will then be presented to the City Council at the second work session in September. The City Council will vote to approve or deny requests at the first regular meeting in October.

(1) Only nonprofit organizations are eligible for cash donations. All organizations that wish to receive a benefit under this Section must apply annually.

(2) The City Council may consider providing cash donations and in-kind services on applications received after the first of September if the event or service is new and was not established prior to the September deadline and the City Council has budgeted discretionary funding for such purpose in the current budget.

(b) All requests that are equal to or less than one thousand dollars (\$1,000.00) of in-kind services for events sponsored by a nonprofit may be submitted by application to the City Manager at any time for approval. (Ord. 1084 §1, 2009)