

HOME RULE CHARTER

for the

TOWN OF MINTURN, COLORADO

April 6, 1982

Published by

COLORADO CODE PUBLISHING COMPANY

Fort Collins, Colorado

HOME RULE CHARTER

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ARTICLE I

General Provisions

Section 1.1 Name and Boundaries.

The municipal corporation heretofore existing as the Town of Minturn in Eagle County, State of Colorado, shall remain and continue as a body politic and corporate and under this Charter with the same name and boundaries as presently established until changed in a manner authorized by law.

Section 1.2 Form of Government.

The municipal government provided by this Charter shall be the "Mayor-Council" form of government. Pursuant to the provisions of this Charter and subject only to limitations imposed by the State Constitution, all powers of the Town shall be vested in an elective council.

Section 1.3 Powers.

The Town shall have all the power of local self-government and home rule and all power possible for a town to have under the Constitution of the State of Colorado. The Town shall also have all powers that now or hereafter may be granted to municipalities by the laws of the State of Colorado, and the enumeration of particular powers in this Charter is not exclusive of others.

Section 1.4 Rights and Regulations.

By the name of the Town of Minturn, the municipal corporation shall have perpetual secession and rights including, but not limited to, the following:

- (a) Ownership, possession and holding of all property, real and personal, heretofore owned, possessed and held by the Town of Minturn;
- (b) Assumption, management and disposition of all trusts in any way connected with the holding of real and personal property;
- (c) Succession to all rights and liabilities and acquisition of all benefits of the Town of Minturn including all property rights, contract rights or rights of action of any nature or kind, civil or criminal, vested in the Town of Minturn;
- (d) Assumption and payment of all bonds, obligations and indebtedness of the Town of Minturn;
- (e) Right to sue, defend, plead and be impleaded in all Courts and placed and in all matters and proceedings;
- (f) Right to purchase, receive, hold, enjoy, sell or dispose of real and personal property;
- (g) Right to have and use a common seal and alter the same at pleasure;
- (h) Right to have any property rights, contract rights or rights of actions of any nature or kind or criminal; and

(i) The Town of Minturn may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation by contract or otherwise, with other governmental units of every kind and character.

ARTICLE II

Elections

Section 2.1 Election Laws.

Town elections shall be governed by the Colorado Municipal Election Laws as now existing or hereafter amended or modified except as otherwise provided in this Charter or by ordinance hereafter enacted.

Section 2.2 Types of Elections.

Regular municipal elections shall be held on the first Tuesday following the first Monday in April and biennially thereafter. Special Town elections shall be held in accordance with the provisions of this Charter. Any special Town election may be called by resolution of the Council not less than thirty (30) days in advance of such election or when required by this Charter or by statute. The resolution calling a special Town election shall set forth the purpose or purposes of such election.

Section 2.3 Nonpartisan Elections.

All municipal elections shall be nonpartisan. In accepting a nomination a candidate shall by affidavit, filed with the Town Clerk, attest to the fact that he has not become a candidate as the nominee or representative of or because of any promised support from any political party, committee, convention or organization representing or acting for any political party.

Section 2.4 Alcohol Sales.

The Council may, by ordinance, control or prohibit the sale of alcoholic beverages during the time the polls are opened by any municipal elections.

Section 2.5 Recall.

Any elected official of the Town may be recalled at any time after the completion of six (6) months in office by the electors entitled to vote for a successor of such incumbent, as mandated in the Colorado Constitution.

ARTICLE III

Initiative and Referendum

Section 3.1 General Authority.

Initiative. The qualified electors of the Town shall have the power to propose any ordinance to the Council in accordance with the provisions of this Article of the Charter except budget, appropriation of any revenues or levy of taxes. In the event Council fails to adopt said proposed ordinance without any change in substance, the said proposed ordinance shall be submitted to the registered electors at a Town election for their acceptance or rejection.

Referendum. The qualified electors of the Town shall have the power to require reconsideration by the Council of any ordinance and, if the Council fails to repeal an ordinance so reconsidered, to approve or reject it at a Town election in accordance with the provisions of this article of this Charter; provided that such power shall not extend to ordinance adopting the budget, appropriating revenues, levying taxes, calling a special election, or levying special assessments or authorizing the issuance of bonds or other obligations pursuant to Article IX of this Charter or otherwise meeting the contractual obligations of the Town.

Section 3.2 Petitions.

Number of Signatures. Initiative and referendum petitions must be signed by qualified electors of the Town equal in number to at least ten (10) percent of the total number of electors registered to vote at the last regular municipal election.

Signatures. Each signer must sign his own proper signature in ink or indelible pencil, giving the date of signing said petition and his place of residence, including his street and number. The signatures to the petition need not all be on one sheet of paper. The petition may be circulated and signed in sections with each consisting of one or more sheets, provided that each section shall contain a full and accurate copy of the title and text of the ordinance initiated or referred by the said petition. All sheets and sections shall be filed as one instrument.

Time for Filing Petitions. All signatures on the petitions shall be obtained within thirty (30) days before the date of filing the petition with the Town Clerk.

Section 3.3 Council Action on Petitions.

When an initiative or referendum petition has been finally determined sufficient, the Council shall, within not more than sixty (60) days, either:

- (1) Adopt the ordinance without alteration and as submitted by the initiatory petition;
- (2) Repeal the ordinance or part thereof referred to by the referendum petition; or
- (3) Submit the proposal provided for in said petition, without alteration, to the qualified electors of the Town as provided in this Charter.

The vote of the qualified electors on a proposed or referred ordinance shall be held as provided in this Charter. Copies of the proposed or referred ordinance shall be made available to the public before the election and also at the polls at the time of the election.

Withdrawal of Petitions. An initiative or referendum petition may be withdrawn at any time prior to the thirtieth (30th) day preceding the day scheduled for a vote of the Town by filing with the Town Clerk a request for withdrawal signed by a majority of the petitioners committee. With the consent of the majority of the Council and upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

Section 3.4 Results of Elections.

Initiative. If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

Referendum. If a majority of the qualified electors voting on a referred ordinance vote for repeal, it shall be considered repealed upon certification of the election results.

Amendment or Repeal. An ordinance adopted by the electorate may not be amended or repealed by action of the Council for a period of six (6) months after the date of the election at which it was adopted, and an ordinance repealed by the electorate may not be reenacted by action of the Council for a period of six (6) months after the date of the election at which it was repealed; provided, however, that any ordinance may be adopted, amended or repealed at any time by appropriate referendum or initiative procedure in accordance with the foregoing provisions of this article or if submitted to the electorate by the Council on its own motion.

ARTICLE IV

Legislative Body

Section 4.1 Council.

All powers of the Town of Minturn not otherwise limited or conferred upon others by this Charter shall be vested in a council consisting of six council members and one other member who will run and be elected at large specifically for the office of mayor. In the event there are no candidates for mayor, there shall be a number of council members equal to the number of vacant seats plus one elected at large, and the mayor shall be chosen by the council from the members at large at the first regular meeting after the election.

Section 4.2 Mayor and Mayor Pro Tem.

(a) The Mayor shall be the chief executive and administrative officer of the Town government for all legal, dignitary and ceremonial purposes. He shall preside at meetings of the Council and shall have the same right to speak and vote therein as any member. All contracts in writing binding the Town, all conveyances of interest in land by the Town and any other documents requiring his

signature shall be signed by the Mayor (or by the person acting as Mayor Pro Tem as provided in this Charter) and attested by the Clerk under the seal of the Town. The Mayor shall be conservator of the peace.

(b) The Council, by ordinance, may delegate any authority of the Mayor to the Town Administrator as part of the Town Administrator's responsibilities pursuant to Section 5.1.

(c) The Mayor Pro Tem shall be appointed by the Mayor subject to approval by the Council at the first regular meeting held after each regular municipal election and shall serve at the pleasure of the Mayor for a two-year term.

In the absence or disability of the Mayor, the Mayor Pro Tem shall perform all the duties and have all the powers of the Mayor. In the event of a vacancy in the office of the Mayor Pro Tem, the Mayor shall appoint his successor subject to the approval by the Council.

Section 4.3 Qualifications.

No person shall be eligible to be elected or appointed to the office of Mayor or council member unless he has been a citizen of the United States for not less than seven (7) years, is at least twenty-five (25) years of age and shall have been a resident of the Town of Minturn not less than two (2) years immediately preceding such election or appointment or in the case of the Mayor, five (5) years immediately preceding such election or appointment. Each elected official shall maintain his residency in the Town throughout his term of office. If an elected official shall move from the Town during his term of office, his seat shall be vacant and such vacancy shall be filled as provided by this Charter. A person who has been convicted of a felony shall not be eligible to become a candidate for a Town office.

Section 4.4 Powers.

The Council shall be the legislative and governing body of the Town and shall exercise, except as otherwise provided in this Charter, all powers conferred upon or possessed by the Town and shall adopt such laws, ordinances and resolutions as it shall deem proper.

The Mayor may take command of the departments of the Town and govern the Town by proclamation in times of public danger or emergency. A majority of the Council shall determine what constitutes such public danger or emergency and such proclamation may be terminated at any time by the affirmative vote of a majority of the Council.

Section 4.5 Compensation.

The members of the Council shall receive such compensation as the Council shall by ordinance prescribe; provided, however, it shall neither increase nor decrease the compensation of any member of the Council during his term. Councilmembers may be paid their actual and necessary expenses incurred in the performance of their duties of office.

Section 4.6 Vacancies.

An elective office shall become vacant whenever any officer is recalled, dies, becomes incapacitated, removes from or becomes a nonresident of the Town, absents himself from meetings of the Council for sixty (60) days, unless excused by resolution thereof, is convicted of a felony or is judicially declared a mental incompetent. In case of vacancy the remaining councilmembers shall choose by majority vote, within thirty (30) days after such a vacancy occurs, a duly qualified person to fill the unexpired term so vacant. If more than three vacancies occur simultaneously, the remaining councilmembers shall call a special election to fill such vacancies provided there will not be a regular general municipal election within thirty (30) days.

If a councilmember's office is vacated during the first two (2) years of a four-year term, the term of the newly appointed councilmember shall expire at the next regular municipal election, and the qualified electors shall elect a councilmember to complete the final two plus years of that term.

Section 4.7 Terms of Office.

The term of office for the Mayor shall be two (2) years. The terms of office for councilmembers shall be four (4) years. In the regular municipal election to be held in 1982, the three (3) candidates receiving the highest number of votes shall be elected to four-year terms. In the municipal election to be held thereafter, the three (3) candidates receiving the highest number of votes shall be elected to four-year terms. If a vacancy exists, those candidates receiving the fourth, fifth and sixth highest number of votes, depending upon the number of vacancies to be filled, shall be elected to two-year terms.

Section 4.8 Meetings.

The Council shall meet regularly twice each month on the first and third Wednesday or at a day and hour to be fixed by the rules of the Council. The Council shall determine the rules of procedure governing meetings including attendance requirements.

Special meetings shall be called by the Town Clerk at the request of the Mayor or three (3) members of the Council, on at least twenty-four (24) hour notice, either written or verbal, to each member of the Council, and public notice of the time, date, location and purpose of the meeting shall be posted at four (4) public places twenty-four (24) hours prior thereto. When an emergency exists, as set forth in Section 4.4, twenty-four (24) hour notice and posting of public notices shall not be required.

Section 4.9 Conflicts of Interest.

(a) Neither the Mayor nor any member of the Council during his term of office shall be a compensated employee of the Town. In the event the Mayor or any Councilmember, or any member of his immediate family, has or could potentially be construed as having a conflict of interest, said Mayor or Councilmember shall declare such interest. If the Mayor or any Councilmember fails to declare such interest, the remaining members of the Council shall determine by a majority vote whether said interest does in fact constitute a conflict of interest.

(b) Neither the Mayor nor any member of the Council shall vote on any question as to which he has a conflict of interest, other than the common public interest, or on any questions concerning his own conduct.

(c) The Mayor and each member of the Council shall be prepared to fully disclose all information concerning conflicts of interest at the request of the Mayor, members of Council or any interested party.

Section 4.10 Meetings to be Public.

All regular and special meetings of the Council shall be open to the public and citizens shall have a reasonable opportunity to be heard under such rules and regulations as the Council may prescribe. The Council may hold such study sessions and executive sessions as the Council may determine and may exclude from said meetings the public and citizens, provided, however, no formal and legally binding action by the Council for the Town shall be taken at any such executive or study session.

ARTICLE V

Administration

Section 5.1 Town Administration.

The Council, by majority vote, shall have the authority to select and appoint a qualified Town Administrator, who shall serve at the pleasure of the Council. The Town Administrator shall possess, have and exercise the administrative and executive responsibilities designated by the Council. The administrative and executive duties of the Town Administrator as designated by the Council shall be adopted by ordinance or resolution prior to the employment of said administrator and may thereafter be amended from time to time. The administrator shall be appointed without regard to any consideration other than fitness, competency, training and experience in professional urban administration. The Council may adopt residency requirements, if any, of the Town Administrator. The Town Administrator may be removed without cause by a majority vote of the Council.

Section 5.2 Departments.

The administrative functions of the Town shall be performed by the departments existing at the time this Charter is adopted and such other departments as may be hereafter established by ordinance. The Council may by ordinance consolidate, merge or abolish any of said departments. Each department shall be under the immediate control and supervision of a department head, appointed by the Council.

Section 5.3 Town Clerk and Town Treasurer.

(a) The Council shall appoint a Town Clerk, who may also serve as Town Treasurer, who shall be custodian of the Town seal and who shall keep a journal of Council proceedings and record in full all ordinances motions and resolutions. The Town Clerk shall have power to administer oaths and take acknowledgments under the seal of the Town and shall perform such other duties as required by this Charter or the Council.

(b) The Council shall appoint a Town Treasurer, who may also serve as Town Clerk, who shall have charge of the financial records of the Town and shall collect, receive and disburse all monies belonging to the Town and shall have all other duties required to administer properly the financial affairs of the Town.

Section 5.4 Bonding of Employees.

All Town officials and employees dealing directly with municipal funds or substantial inventories of material and supplies shall post bond in an amount and under such conditions as required by the Council at the expense of the Town.

Section 5.5 Personnel Policies.

The Council, within six months of the adoption of this Charter, shall approve by ordinance or resolution a thorough Personnel Policies and Regulations Manual for the employees and officers of the Town of Minturn. The Personnel Policies and Regulations Manual shall contain provisions for employee classification, pay administration, employment practices, employee conduct, disciplinary actions, employee leave and fringe benefits and such other standard personnel provisions as may be adopted by the Council.

ARTICLE VI

Legal and Judiciary

Section 6.1 Judiciary.

(a) Presiding Municipal Judge. There shall be a municipal court vested with jurisdiction of all cases arising under the ordinances of the Town and may be conferred by law. The municipal court shall be a court of record and be presided over and its functions exercised by a judge appointed by the Council for a specified term of two (2) years. The Council may, when his appointment for term of office expires, reappoint the municipal judge. Any vacancy in the office of municipal judge shall be filled by appointment by the Council for the remainder of the unexpired term.

(b) Deputy Judges. Council may appoint one or more deputy judges, as it deems necessary. The deputy municipal judges shall all have the powers of the municipal judge. In the event that more than one municipal judge is appointed, the Council shall designate a presiding municipal judge, who shall serve in this capacity during the term for which he was appointed. The deputy municipal judges shall serve at the pleasure of the Council.

(c) Compensation. The municipal judge shall receive a fixed salary or compensation set by the Council which shall not be increased or decreased during his term of office. The deputy municipal judges may receive such compensation for services rendered as the Council may determine.

(d) Removal. Any municipal judge may be removed during his term of office only for cause. A judge may be removed by a majority vote of the Council for cause if:

- (1) He is found guilty of a felony or any other crime involving moral turpitude;

(2) He has willfully or persistently failed to perform his duties; or

(3) He has a disability which interferes with the performance of his duties which is, or is likely to become, of permanent character. (Amended by Ord. 1-2007 §1 by vote of the people on 4-3-07)

Section 6.2 Town Attorney.

The Council shall appoint a Town Attorney to serve at the pleasure of the Council. He shall be an attorney at law admitted to practice in Colorado. The Town Attorney shall be the legal representative of the Town, and he shall advise the Council and Town Officials in matters relating to their official powers and duties and perform such other duties as the Council may prescribe by ordinance or resolution. The Council may provide the Town Attorney such assistants and the Council may deem necessary and may upon its own motion or upon request of the Town Attorney appoint special counsel to serve under the direction of the Town Attorney. The Council shall establish compensation for the Town Attorney, his assistants and any special counsel.

ARTICLE VII

Boards, Commissions and Committees

Section 7.1 Existing Boards, Commissions and Committees.

All boards, commissions and committees existing at the time this Charter is adopted shall continue as established by ordinance, except as otherwise provided by this Charter.

Section 7.2 Right to Establish, Amend and Abolish.

(a) The Council may create any boards, commissions or committees including advisory and appeal boards, provided no such board, commission or committee shall have authority to perform functions or duties otherwise assigned in this Charter or to interfere with any function or duty otherwise assigned in this Charter. Advisory boards may be created by resolution. Unless otherwise required by law or this Charter, all other boards, commissions and committees shall be created by ordinance, which shall prescribe the duties delegated by Council. Each board, commission and committee shall elect its own chairman and vice-chairman from among its citizens-at-large members. Each board, commission and committee shall operate in accordance with its own rules of procedure, except as otherwise directed by the Council. All board, commission and committee meetings shall be open to the public, and copies of all records and minutes of all meetings shall be kept and placed in the office of the Town Clerk for public inspection. Reports shall be made to the Council as the Council shall require.

(b) The Council may increase, reduce or change any or all of the duties and procedures of any board, commission or committee existing at the time of the adoption of this Charter or as created by ordinance or resolution thereafter.

(c) Any board, commission or committee existing at the time this Charter is adopted or created under the provisions of this Section, which is not required by statute or this Charter, may be abolished by the Council.

(d) Terms and conditions of appointment and composition of all boards, commissions and committees shall be determined by ordinance.

Section 7.3 Vacancies.

Whenever a vacancy occurs on any board, commission or committee, the Council shall cause public notice of such vacancy to be made and encourage qualified volunteers to seek appointment to such board, commission or committee. The Council shall then make appointments to fill such vacancies.

Section 7.4 Planning Commission.

(a) There shall be, and hereby is, created a planning commission to serve and assist the Council in providing for the orderly development of the Town of Minturn.

(b) Where not otherwise provided by this Charter or ordinance, the planning commission shall have the powers, perform the functions and follow the procedures set forth in the statutes of the State of Colorado.

ARTICLE VIII

Budget and Finance

Section 8.1 Fiscal Year.

The fiscal year of the Town and of all its departments, offices and agencies shall begin on the first (1st) day of January of each year and end on the thirty-first (31st) day of December of the same year.

Section 8.2 Provision for Tax System.

The Council shall have the authority to levy and impose ad valorem taxes for municipal purposes and to provide for their collection. No increase in ad valorem taxes in excess of 10% of the previous year's mill levy shall be adopted until it shall have been approved by a majority vote of the qualified electors voting at a regular or special municipal election. No sales tax, use tax, excise tax, gross receipts tax, real estate transfer tax or any other new tax, unless the same is in effect at the adoption of this Charter, shall be adopted or increased until it shall have been approved by a majority of the qualified electors voting at a regular or special municipal election. The Council shall also have the authority to levy and to provide for the collection of special assessments for local improvement districts as provided in this Charter.

Section 8.3 Capital Program.

(a) If required by the Council by motion, resolution or ordinance, the Mayor or other qualified person appointed by the Council, with such assistance as the Council may direct, shall prepare and submit to the Council a long-range capital program simultaneously with the recommended budget.

(b) The capital program shall include the following unless otherwise provided by the Council:

(1) A clear general summary of its contents;

(2) A list of all capital improvements which are proposed to be undertaken during the following fiscal years with appropriate supporting information as to the necessity for improvement;

(3) Cost estimates, proposed methods of financing and recommended schedules for each such improvement;

(4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

(c) This information may be revised or extended each year with regard to capital improvements still pending or in the process of construction or acquisition.

Section 8.4 The Budget.

(a) The Mayor or other qualified persons appointed by the Council shall prepare and submit to the Council, on or before the first regularly scheduled Council meeting in October of each year, a recommended budget for the next fiscal year and an accompanying budget message. Such proposal shall be based upon detailed estimates by the departments and other agencies of the Town Government according to a classification as nearly uniform as possible.

(b) The message shall explain therein the budget both in fiscal terms and in terms of the work program. It shall contain the proposed financial policies of the Town for the next fiscal year; describe the important features of the budget; indicate any major changes from the current year in financial policies, expenditures and revenues together with the reasons for such changes; summarize the Town's debt position; give the balance between the total estimated expenditures and total anticipated revenues from all sources, taking into account the estimated surpluses or deficits in the various funds; and include such other material as deemed necessary or which the Council may require.

(c) The budget shall provide a complete financial plan of all municipal funds and activities for the next fiscal year and, except as required by law or this Charter, shall be in such form as deemed desirable or as the Council may require. The most feasible combination of expenditure classifications by fund, organizational unit, program, purpose or activity shall be utilized when organizing the budget. It shall begin with a clear general summary of its contents and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year. It shall include, but shall not be limited to, the following separate sections or columns:

(1) Detailed estimates of all anticipated revenues of the Town classified as cash surplus, miscellaneous revenues and amounts to be received from property taxes;

(2) Detailed estimates, with supporting explanations, of all proposed expenditures for each department, office and agency of the Town during the next fiscal year, together with the proposed method of financing such expenditures;

(3) A reasonable provision for contingencies;

(4) Required expenditures for debt service, judgments, cash deficiency recovery and statutory expenditures;

(5) Proposed capital expenditures during the next fiscal year detailed by offices, departments and agencies when practicable and the proposed method of financing each such capital expenditure;

(6) Anticipated net surplus or deficit for the next fiscal year for each utility owned or operated by the Town and the proposed method of its disposition together with subsidiary budgets for each such utility stating anticipated income and expenditures information;

(7) The bonded and other indebtedness of the Town, showing the debt authorized and unissued and the condition of special funds, if any; and

(8) Such other information as the Council may request.

Section 8.5 Budget Hearing.

A public hearing on the proposed budget and proposed capital program shall be held in accordance with this Charter before its final adoption at such time and place as the Council shall direct. Notice of such public hearing and notice that the proposed budget is on file for public inspection in the office of the Town Clerk shall be published in some newspaper of general circulation within the Town one time at least seven (7) days but not more than thirty (30) days prior to the hearing. The complete proposed budget shall be on file for public inspection during regular office hours at such office for a period of not less than seven (7) days prior to such hearing. The Council may, at any time before final adoption, increase, decrease, add or strike out any item in the budget.

Section 8.6 Council Adoption.

(a) The Council shall adopt the following year's tax levy by ordinance on or before the final day established by law for the certification of said levy to the County. Adoption of the following year's budget by the Council based upon such tax levy shall take place not less than fifteen (15) days before commencement of the following fiscal year. If the Council fails to adopt the budget prior to such date, the amounts appropriate for the operation of the current fiscal year, less any capital expenditures, shall be deemed adopted for the following fiscal year on a month-to-month basis, with all items in it prorated accordingly, until such time as the Council adopts the budget for the following fiscal year.

(b) Proposed expenditures shall not exceed anticipated revenues unless the Council deems that surpluses from prior years are excessive.

Section 8.7 Appropriation.

Adoption of the budget by the Council shall constitute appropriation of the amounts specified therein as expenditures from the funds indicated.

Section 8.8 Amendments After Adoption.

(a) Supplemental Appropriations. If during the fiscal year it is certified that there are available for appropriated revenues in excess of those estimated in the budget, the Council may by ordinance make supplemental appropriations for the year up to the amount of such excess or may by resolution

permit funds to be invested as surplus, to meet contingencies to support improvements or to provide earned income.

(b) Emergency Appropriations. To meet a public emergency which jeopardizes public health, peace, safety or property, the Council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of this Charter. To the extent that there are no available unappropriated revenues to meet such appropriations, the Council may by emergency ordinance authorize the issuance of short-term notes to be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation is made.

(c) Reduction of Appropriations. If at any time during the fiscal year it appears probable to the Mayor or the Town Administrator that the revenues available will be insufficient to meet the amount appropriated, a report shall be made to the Council without delay, indicating the estimated amount of deficit, any remedial action taken and recommendations as to any other steps to be taken. The Council shall then take action to prevent any deficit and for that purpose it may by resolution reduce one or more appropriations. Except as otherwise specifically provided in this Charter and in accordance with such provisions, the Council shall consistently seek to operate within a balanced budget.

(d) Transfer of Appropriations and Fund. At any time during the fiscal year the Mayor or the Town Administrator may transfer part or all of any unexpended and unencumbered funds from one department fund, office or agency to another. Cash transfers between Town funds to meet temporary cash deficiencies may be ordered by the Mayor or Town Administrator provided proper report is made to the Council in the regular monthly financial statement.

(e) Limitation, Effective Date. No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated. The supplemental and emergency appropriation and reduction or transfer of appropriations authorized by this Section may be made effective immediately upon adoption.

Section 8.9 Independent Audit.

An independent audit shall be made of all Town accounts at least once annually, or more frequently if deemed necessary by the Council, of any or all individual funds. Such annual audit shall be made by certified public accountants, experienced in municipal accounting, selected by the Council, who shall complete the audit within one hundred eighty (180) days after the close of the fiscal year. Such audit shall include a capital depreciation review of each of the revenue-producing accounts. Copies of such audit shall be available for public inspection at the office of the Town Clerk, and notice that such copies are available shall be published in a newspaper of general circulation within the Town.

Section 8.10 Appropriation of Unexpended Funds.

Any funds appropriated but remaining unexpended and unencumbered at the close of the fiscal year shall lapse and shall be available for expenditure in the following fiscal year as determined by the budget for such year.

Section 8.11 Special Funds.

In addition to the funds provided for in this Charter, the Council may by ordinance establish or abolish such special funds as it deems necessary and appropriate. The ordinance establishing such funds shall clearly state the purpose of the fund.

ARTICLE IX

Municipal Funding

Section 9.1 Forms of Borrowing.

The Town may borrow money for any municipal purpose provided in this Charter and may issue the following or other securities to evidence such indebtedness:

- (a) Short-term notes;
- (b) General obligation bonds;
- (c) Revenue bonds;
- (d) Refunding securities;
- (e) Tax increment financing;
- (f) Local improvement district bonds;
- (g) Long-term rentals or leases; or
- (h) Any other legally recognized security which the Council may provide by ordinance.

Section 9.2 Short-Term Notes.

The Town upon the affirmative vote of a majority of the entire Council, may borrow money without an election in anticipation of the collection of taxes and issue short-term notes to evidence the amount so borrowed. Any such short-term notes shall mature within twelve (12) months.

Section 9.3 General Obligation Bonds.

(a) No general obligation bonds of the Town, payable in whole or in part from the proceeds of ad valorem taxes or to which the full faith and credit of the Town are pledged, shall be issued except by ordinance and until the question of their issuance shall have been, at a regular or special election, approved by a majority of the qualified electors voting on the question, except as otherwise provided in this Section.

(b) General obligation bonds issued for the purpose of acquiring water and rights thereto, for the purpose of acquiring, improving or extending a water system, sewer system or drainage system or for any combination of such purposes may be issued by ordinance without an election.

Section 9.4 Revenue Bonds.

The Town by ordinance with or without an election, as determined by the Council, may issue bonds or otherwise extend its credit for the purpose of purchasing, equipping, constructing, condemning or otherwise acquiring, extending or improving a water, electric, gas or sewer system or other public utility, facility or project provided that the bonds or other obligations shall be made payable from the net revenues derived from the operation of such system, utility or project, or from the proceeds of any tax other than the general ad valorem tax imposed by the Town. Such bonds shall not be issued until a public hearing on the question of issuance of the same shall have been held. Notice of such hearing shall be published at least once in a newspaper of general circulation within the Town at least thirty (30) days prior to the public hearing.

Section 9.5 Refunding Bonds.

(a) Subject to contractual obligations, the Town by ordinance and without an election may issue bonds or other securities for the purpose of refunding and providing for the payment of the outstanding bonds or other indebtedness of the Town, in advance or at maturity, by means of escrow or otherwise.

(b) Any refunding bonds or other securities issued for the purpose of refunding revenue bonds or other revenue indebtedness shall be payable from the revenues of the utility system, project or capital improvement that was acquired, extended or improved with the proceeds of the bonds refunded.

Section 9.6 Terms and Disposal of Bonds.

The terms and maximum interest rate of general obligation or revenue bonds or other indebtedness of the Town shall be fixed by the authorizing ordinances, and such securities shall be sold to the best advantage of the Town at public or private sale. Any refunding bond may be exchanged dollar-for-dollar for a bond refunded. All bonds may contain provisions for calling the same as designated periods prior to the final due date, with or without the payment of a prior redemption premium.

Section 9.7 Assumption of Indebtedness.

Nothing herein shall be construed to limit the power of the Town to assume part or all of the indebtedness of special taxing districts if the boundaries thereof lie wholly or partly within the Town if such indebtedness was incurred prior to the adoption of this Charter and if a majority of the qualified electors of the Town voting thereon at a regular or special election approve the assumption of such additional indebtedness.

Section 9.8 Tax Increment Financing.

Any urban renewal plan approved by the Town pursuant to the Colorado Revised Statutes, as from time to time amended, may contain provision for tax increment financing in accordance with the Colorado Revised Statutes, as from time to time amended.

Section 9.9 Local Improvement Districts.

The Town shall have the power to create local improvement districts and to assess the cost of the construction or installation of special or local improvements of every character against the property benefited thereby within designated districts in the Town as follows:

(a) By ordinance adopted by the Council provided no protest is filed within thirty (30) days of final passage of the ordinance creating the district by the owners of more than fifty (50) percent of the property to be included in the proposed district; or

(b) On petition filed by more than fifty (50) percent of the landowners in the area of the proposed district.

Section 9.10 Hearing - Bonds - Special Levy.

(a) A public hearing shall have been held at which all interested parties may appear and be heard. Right to protest and notice of public hearing shall be given by the Council by ordinance. Any improvements ordered shall confer special benefits to the real property within the district and general benefits to the Town at large. The Council shall have the power by ordinance without an election to create the local improvement district, to prescribe the method of making the improvements ordered, to assess the cost thereof and to issue bonds for the purpose of constructing or installing such improvements including the costs incidental thereto.

(b) Whenever all outstanding bonds of a local improvement district have been paid and monies remain to the credit of the district, they shall be transferred to a special surplus and deficiency fund; whenever there is a deficiency in any local improvement district fund to meet the principal payments of outstanding bonds and interest due thereon, such deficiency shall be paid out of said surplus and deficiency fund. Whenever three-fourths of the bonds issued in connection with a local improvement district have been paid, and for any reason the remaining assessments are not paid in time to pay the remaining bonds of the district and the interest due thereon and there are insufficient monies in the special surplus and deficiency fund, the Town shall pay said bonds when due together with interest and reimburse itself by collecting the unpaid assessments.

(c) In consideration of the general benefits conferred upon the Town at large by reason of the creation of a local improvement district, the Council may levy a general ad valorem tax without an election, at a rate to be determined by the Council, for the purpose of making payments of principal and interest on the bonds issued in connection with any local improvement district. The proceeds of such taxes shall be placed in a special fund and shall be disbursed only for the purposes specified herein. In lieu of such levy, the Council may annually transfer to such special fund any available monies of the Town.

Section 9.11 Long-Term Rentals and Leaseholds.

(a) In order to provide necessary land, buildings, equipment and other property for governmental or proprietary purposes, the Town may enter into long-term installment purchase contracts and rental or leasehold agreements. Such agreements may include an option or options to purchase and acquire title to such property within a period not exceeding the useful life of such property. Each such agreement and the terms thereof shall be concluded by an ordinance duly enacted by the Council.

(b) The Council may provide for payment of installments thereof out of the general ad valorem tax levy, by the imposition of rates, tolls or service charges for the use of such property or any part thereof, out of any other available municipal revenues or by any combination of the foregoing methods.

Section 9.12 Industrial Development Revenue Bonds.

The Town may authorize by ordinance bonds without an election pursuant to the provisions of the Colorado Revised Statutes, as from time to time amended; provided such bonds shall not be issued until a public hearing on the question of issuance of the same shall have been held. Notice of such hearing shall be published at least once in a newspaper of general circulation within the Town at least thirty (30) days prior to the public hearing.

ARTICLE X

Public Utilities and Franchises

Section 10.1 General Powers.

The Town shall have and exercise with regard to all utilities and franchises all municipal powers including, without limitation, all powers not existing and which may be hereafter provided by the Constitution and statutes of the State of Colorado. The right of the Town to construct, purchase or condemn any public utility, work or way is expressly reserved. Except as otherwise provided by the Constitution or this Charter, all powers concerning the granting, amending, revoking or otherwise dealing in franchises shall be exercised by the Council.

Section 10.2 Water Rights.

The Town shall have the power to buy, exchange, lease, own, control or otherwise deal in water rights.

Section 10.3 Utility Rates and Service Areas.

The Council shall by ordinance establish rates for services provided by municipally owned utilities. All newly annexed territory shall be served by municipal utilities within a reasonable period of time after annexation. If the Council desires to extend the municipal utilities beyond Town boundaries, it shall do so by ordinance.

Section 10.4 Granting of Franchises.

No franchise shall be granted that exceeds ten (10) years.

Section 10.5 Franchise Review.

Each franchise granted under the provisions of this Charter shall include a section specifying an annual review of said franchise. Prior to any rate increase by any franchise holder, a public meeting shall be held regarding justification of said increases at a regular or special meeting of the Council.

Section 10.6 Franchise Records.

The Council shall cause to be kept in the office of the Town Clerk an indexed franchise record in which shall be transcribed copies of all franchises heretofore and hereafter granted. The index shall give the name of the grantee and any assignees. The record shall contain a complete history of all such franchises, a comprehensive and convenient reference to all actions at law affecting the same and copies of all annual reports and such other matters of information and public interest as the Council may from time to time require.

Section 10.7 Existing Franchises.

All franchise ordinances of the Town in effect at the time that this Charter is adopted shall remain in full force and effect according to their provisions and terms until the expiration date provided in such ordinance or until modified by another franchise.

Section 10.8 Sale of Utilities.

No utility owned by the Town and no water rights owned by the Town shall be sold or otherwise disposed of by the Town unless the question of such sale and the terms and consideration therefore shall first have been approved by a majority vote of the qualified electors voting thereof at a regular or special election.

ARTICLE XI

Legislation

Section 11.1 Prior Town Legislation.

(a) The Municipal Code of the Town of Minturn and all laws, ordinances, resolutions, rules and regulations of the Town which are not inconsistent with this Charter and which are in force and effect on the effective date of this Charter shall continue in full force and effect after the effective date of this Charter until repealed or amended.

(b) If any law, ordinance, resolution, rule or regulation provides for the appointment of any officers or members of any board or commission, any vacancy on such board or commission shall, after the effective date of this Charter, be filled as provided in this Charter.

(c) The provisions of any law, ordinance, resolution or policy which are inconsistent with this Charter are hereby repealed.

Section 11.2 Ordinances, Resolutions and Motions.

The Council shall act only by ordinance, resolution or motion. All legislative enactments of a permanent nature shall be in the form of ordinances. Except as otherwise required by this Charter, all other actions may be in the form of a resolution or motion. All ordinances and resolutions, except repealing ordinances and an ordinance making a general codification of ordinances, shall be confined to one (1) subject, which in the case of ordinances shall be expressed in the title; provided, however,

that ordinances making appropriations shall be confined to the subject of appropriation but may include more than one (1) appropriation.

Section 11.3 Voting.

(a) A roll-call vote shall be taken upon the passage of all ordinances. A voice or roll-call vote shall be taken upon the passage of all resolutions and motions. Except as provided in Section 11.7, every ordinance shall require the affirmative vote of the majority of the entire Council for final passage. Every councilmember, when present, shall vote upon ordinances, resolutions and motions, unless excused by the unanimous consent of the remaining councilmembers present; provided that a councilmember shall be excused from voting on any question in which he has a conflict of interest or on any question concerning his own conduct. Each councilmember who is present shall vote when his name is called. Any councilmember refusing to vote, except when not required to by this Charter, shall be considered delinquent in his duties, and an affirmative vote shall be cast and recorded in his name.

(b) The votes upon all ordinances, resolutions and motions shall be entered upon the minutes except that where the vote is unanimous, it shall only be necessary to state that the vote was unanimous.

Section 11.4 Action by Ordinance Required.

In addition to such acts of the Council as are required by other provisions of this Charter to be by ordinance, every act making an appropriation, creating an indebtedness, authorizing the borrowing of money, establishing any rule or regulation for the violation of which a penalty is imposed or placing any burden upon or limiting the use of private property shall be by ordinance.

Section 11.5 Form of Ordinance - Effective Date.

All ordinances shall be introduced in written or printed form, and no ordinance or section thereof shall be amended or repealed except by an ordinance regularly adopted. The enacting clause of all ordinances shall read, "The Town of Minturn, Colorado, Ordains," but such clause may be omitted as to ordinances compiled in book form or revised and codified by order of the Council. With the exception of emergency ordinances, the effective date of all ordinances shall be seven (7) days after publication following final passage unless a later date is prescribed in the ordinance. If any portion of an ordinance or the application thereof to any person or circumstance shall be found to be invalid by any court, such invalidity shall not affect the remaining portions or applications of the ordinance which can be given effect without the invalid portion or application, provided such remaining portions or applications are not determined by the court to be inoperable, and to this end all ordinances are declared to be severable. Each ordinance shall be deemed to have included as a part of it this severability provision even though this severability provision is not set out in the ordinance unless an ordinance shall expressly provide that this severability provision is not applicable.

Section 11.6 Procedure for Passage of Ordinance.

Except emergency ordinances, ordinances making general codification of existing ordinances and ordinances adopting standard codes, the procedure for enactment of ordinances shall be:

(a) The ordinance shall be introduced at any regular or special meeting of the Council by any member thereof.

(b) The ordinance title shall be read in full, and copies of the ordinance shall be available for public information at said meeting.

(c) After the first reading of the ordinance the same shall be approved with or without amendment, rejected or tabled by vote of the Council.

(d) If the ordinance is approved on first reading, it shall be published in full in a newspaper of general circulation within the Town unless otherwise provided herein. The Council shall set a day, hour and place at which the Council shall hold a public hearing on the ordinance, and notice of such day, hour and place shall be included in the first publication. Such hearing shall be held not earlier than four (4) days after the first publication.

(e) If the ordinance is tabled, it shall be reconsidered at subsequent meetings until it is approved with or without amendment or rejected by vote of the Council.

(f) The ordinance shall be introduced a second time at the meeting at which the public hearing on the ordinance is held. The ordinance may be read by title only in second reading. The ordinance may be amended before final approval or rejection by vote of the Council, provided the text of any such amendment or amendments shall be read in full.

(g) Except as otherwise provided in this Charter, an ordinance, if amended in substance, shall be published in full after final passage. If not amended in substance, it may be published either by title or in full, as the Council may determine, after final passage.

Section 11.7 Emergency Ordinances.

(a) An ordinance which is declared therein to be an emergency ordinance and which is necessary for the immediate preservation of the public peace, health, safety or property may be enacted only by unanimous vote of the councilmembers present at the regular, special or emergency meeting at which it is introduced and may be enacted without the requirements of publication, public hearing and second reading approval. The facts showing such emergency shall be specifically stated in the ordinance itself. An emergency ordinance, provided the subject thereof has been included in the notice of such meeting, shall take effect immediately upon passage and may be adopted at the same meeting at which it is introduced. Publication shall occur within ten (10) days of final passage or as soon thereafter as possible.

(b) No ordinance granting any special privilege, levying taxes, incurring indebtedness, authorizing the borrowing of money or fixing rates of municipal utilities shall be passed as an emergency ordinance except as provided in Section 8.8(b) of this Charter.

(c) An emergency ordinance shall not be in effect more than ninety (90) days after passage and shall not be extended as an emergency ordinance.

Section 11.8 Codification.

The Council shall cause the ordinances of the Town to be codified and maintained thereafter in current form. Each Council shall review the ordinances of the Town and examine them on the basis of current needs. The Council may by ordinance prescribe the procedures for making a general codification of existing ordinances. Copies of the ordinances, of the codification thereof and of provisions adopted by reference in accordance with this Charter shall be certified by the Town Clerk and when so certified shall be competent evidence in all courts and other legally established tribunals as to the matters contained therein.

Section 11.9 Amendment or Repeal.

No ordinance, section or subsection thereof shall be amended, superseded or repealed except by an ordinance regularly adopted. No ordinance shall be amended by reference to its title only. The revised sections or subsections of any ordinance, as amended, shall be reenacted. However, an ordinance, section or subsection thereof may be repealed by reference to its title and ordinance or code number only. The provisions of this Section shall not apply to any ordinance enacted under the provisions of Article III of this Charter, nor shall this Section authorize the Council to repeal a repealing ordinance.

Section 11.10 Publication of Ordinances.

Ordinances required to be published shall be published in a newspaper of general circulation within the Town.

Section 11.11 Codes.

Standard codes promulgated by the federal government, the State of Colorado, by any agency of either, by any municipality within the State of Colorado or by recognized trade or professional organizations, including amendments or revisions thereof, may be adopted with or without amendment by reference; provided, the publication of the ordinance adopting any such code shall state that copies and any amendments are available for inspection at the office of the Town Clerk and further provided that any penalty clause in any code may be adopted only if it is set forth in full and published in the adopting ordinance.

Section 11.12 Disposition of Ordinances.

A true copy of every ordinance, as adopted by the Council, shall be numbered and recorded in the official records of the Town. Its adoption and publication shall be authenticated by the signatures of the Mayor or Mayor Pro Tem and the Town Clerk and by the certificate of publication. A true copy of every ordinance adopted by vote of the electors of the Town shall be separately numbered and recorded. The failure to file and authenticate any ordinance shall not however, invalidate or suspend such ordinance.

ARTICLE XII

Miscellaneous

Section 12.1 Eminent Domain.

The Town shall have the right to eminent domain to acquire property both within and without the boundaries of the Town for any purpose deemed by the Council to be in the best interests of the Town.

Section 12.2 Reservation of Power.

The power to supersede any law of the State of Colorado now or hereafter in force, insofar as it applies to local or municipal affairs, shall be reserved to the Town, acting by ordinance, subject to the restrictions of Article XX of the Colorado Constitution, subsequent amendments to this Charter or any ordinance.

Section 12.3 Liability of Town.

No action for recovery of compensation for personal injury, death or property damage against the Town on account of its negligence or other tort shall be maintained unless written notice of the alleged injury, death or property damage including the time, place and cause thereof is given by the claimant, his agent or attorney within one hundred eighty (180) days of the occurrence causing the same. This provision shall not be construed as a waiver of any governmental immunity the Town may have now or in the future.

Section 12.4 Bequests, Gifts and Donations.

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

Section 12.5 Municipal Property.

No public buildings or real property used for park purposes or for any governmental purpose shall be sold or otherwise disposed of unless the question of such sale shall have been approved by a majority vote of the qualified electors voting thereon at a regular or special election. The Council may by ordinance sell or dispose of any other real estate, including public buildings no longer used for any municipal purpose, upon such terms and conditions as the Council may determine at any regular or special meeting.

Section 12.6 Charter Amendments.

This Charter may be amended at any time in the manner provided by statute. Nothing herein contained shall be construed as preventing the submission to the qualified electors of the Town or more than one (1) Charter amendment at any one (1) election. If the provisions of two (2) or more

proposed amendments adopted or approved at the same election conflict, the amendment receiving the highest affirmative vote shall become effective.

Section 12.7 Severability of Charter Provisions.

If any provision, section, article or clause of this Charter or the application thereof to any person or circumstance shall be found to be invalid by a court, such invalidity shall not affect any remaining portion or application of the Charter which can be given effect without the invalid portion or application, provided such remaining portions or applications are not determined by the court to be inoperable, and to this end this Charter is declared to be severable.

Section 12.8 Interpretations.

Except as otherwise specifically provided or indicated by the contents hereof, all words used in this Charter indicating the present tense shall not be limited to the time of the adoption of this Charter but shall extend to and include the time of the happening of any event or requirement for which provision is made herein. The singular number shall include the plural, the plural shall include the singular and the masculine gender shall extend to and include the feminine gender and neuter, and the word *person* may extend and be applied to bodies politic and corporate and to partnerships as well as to individuals.

Section 12.9 Definitions.

(a) *Appropriation.* The authorized amount of monies set aside for expenditures during a specified time for a specific purpose.

(b) *Town.* Town of Minturn, Colorado, municipal corporation.

(c) *Clerk.* The Town Clerk of the Town of Minturn.

(d) *Constitution.* The Constitution of the State of Colorado.

(e) *Elector.* A person who is entitled to vote at a particular time. Includes the term *qualified elector*.

(f) *Emergency.* A condition actually arising from unforeseen contingencies which immediately endangers public property, health, peace or safety.

(g) *Employee.* A person employed by the Town of Minturn not including elective officers of the Town.

(h) *Franchise.* A privilege granted by the Town permitting a specified use of public property for a specified length of time.

(i) *Officer.* Any person elected to office or appointed by the Council including appointees to boards, commissions and committees.

(j) *Board, Commission or Committee.* A board, commission or committee intended by the Council to be a part of the permanent governmental structure of the Town of Minturn as established by ordinance.

(k) *Utility.* Any heat, power, light, refuse, communications, cable t.v., water, sewer or transportation systems.

(l) *Registered Elector.* A person who is qualified to vote under applicable law and who is also registered to vote in municipal elections.

(m) *Regular Municipal Election.* A municipal election held every two years at which candidates for elective offices of the Town are voted upon in accordance with this Charter.

(n) *Statutes.* The applicable laws of the State of Colorado as they now exist or as they may be amended, changed, repealed or otherwise modified by legislative procedure.

(o) *Town Administrator.* The Town Administrator of the Town of Minturn.

(p) *Treasurer.* The Town Treasurer of the Town of Minturn.

(q) Except in reference to signatures, the words *written* and *in writing* include printing and typewriting.

Section 12.10 Liquor.

The Council shall by ordinance regulate the types and classes of liquor licenses issued in the Town including but not limited to: prohibiting the issuance of a type or class of liquor license, regulating the hours of any type or class of liquor license and issuing liquor licenses with conditions not necessarily required by state statute.

ARTICLE XIII

Transition Period

Section 13.1 Effective Date of Charter.

This Charter, after voter approval, shall become effective immediately upon filing and recording the Charter with the Secretary of State of the State of Colorado.

Section 13.2 Present Elected Officials to Continue in Office.

The Board of Trustees and Mayor in office at the time of the adoption of this Charter shall continue in office at their present salaries until their successors are duly qualified.

Section 13.3 Continuation of Present Boards and Commissions.

All boards and commissions in existence at the time of the adoption of this Charter shall continue to function under the provisions of this Charter.

Section 13.4 Continuation of Appointed Officers and Employees.

Except as otherwise provided herein, after the effective date of this Charter, all appointive officers and employees of the Town shall continue in that Town office of employment which corresponds to the Town office or employment held prior to the effective date of this Charter, as though they had been appointed or employed in the manner provided in this Charter, and they shall in all respects be subject to the provisions of this Charter except that any officer or employee who holds a position shall hold such position only at such pleasure regardless of the term to which he was originally appointed.

Section 13.5 Saving Clause.

This Charter shall not affect any suit pending in any court or any document heretofore executed in connection therewith. Nothing in this Charter shall invalidate any existing contracts between the Town of Minturn and individuals, corporations or public agencies.

Section 13.6 Continuity of Government.

The Council shall have the power to provide for continuity of government of the Town of Minturn in the event of natural or enemy-caused disaster. Such power shall be employed in a manner which will preserve representative government in the Town of Minturn and which will provide an orderly line of succession of officers, notwithstanding the provisions of this Charter. Such succession shall commence with the Mayor, the Mayor Pro Tem and shall then revert to the councilmembers by order of seniority then to the Chief of Public Safety; provided the Council by majority vote may designate the Town Administrator in the line of succession.

**THE TOWN OF MINTURN, COLORADO
CHARTER COMMISSION**

CERTIFICATE OF FINAL ADOPTION

We, the undersigned, present members of the Minturn Charter Commission, duly elected by the people of Minturn, Colorado, at the election held on October 6, 1981, under the Authorization of Article XX, the Constitution of the State of Colorado, to frame a Home Rule Charter for the Town of Minturn, do hereby certify that the foregoing is the Proposed Charter as finally approved and adopted by the members of the Commission on the third day of February, 1982, for submission to the people of Minturn at an election to be held on the sixth day of April, 1982.

Done in triplicate at Minturn, Colorado, this 7th day of April 1982.

/s/ Karl Ahlswede

/s/ Ernie Chavez

/s/ Mike Gallagher

/s/ Bernard Gregory

/s/ Lorraine Haslee

/s/ Buck Martinez

/s/ Leroy Roybal

/s/ George Shaffer

/s/ Judy White