

# **RIFLE HOME RULE CHARTER**

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## **PREFATORY SYNOPSIS**

The Rifle Charter Convention was elected on the 26th day of March, 1963, under the authority and the method set out by Article XX of the Constitution of the State of Colorado. The twenty-one elected members have been charged with the responsibility of drawing a document to prescribe the form and substance of Home Rule Government for the City of Rifle.

The delegates to the convention have viewed their task as one of great responsibility.

Two objectives have been uppermost in the minds of the members of the charter convention:

First: That the Charter must reserve to the people of Rifle the absolute right and power of self-government under the home rule provisions of the State Constitution.

Second: That the Charter must insure the orderly and economical management of the new government of Rifle, guided and controlled by the people through their elected representatives.

To these ends, the Charter provides for a Council-Manager form of government for our City and provides for the appointment of a City Manager, who will serve at the exclusive pleasure of the Council, with powers and duties as provided by the Charter and by the Council.

Under the Charter, the City Council will be responsible to the people, will be legislative in function, and enact ordinances for the good government of the City. The Council will consist of seven members, elected from the City at large in such a manner as to achieve overlapping terms, thus providing for continuity of city government.

All ordinances now in effect will remain in effect unless superseded by the provisions of the Charter, or hereafter amended and repealed by the City Council.

To insure the greatest possible control of governmental process by the people, provision is made in the Charter for the direct democratic techniques of initiative, referendum, and recall. These methods provide the means whereby the people can, if they wish, directly control the legislative process and recall any elected official who proves himself unsatisfactory.

Modern budget-making and fiscal procedures are included to insure that the city government will always operate as economically as possible and with the maximum degree of financial responsibility. The Manager will be the principal budget-making officer, subject to approval of the budget by the Council.

The Charter may be amended when need arises in accordance with provisions of the State Constitution. However, the convention believes the Charter is so written that it will serve the needs of Rifle for many years to come and will provide a sound, economical governmental structure.

The aims for the city government of Rifle and the scope of this Charter are not confined to the present, but are set out in this document to last for many generations, subject to the right of the people to make necessary changes to meet the possible unforeseen requirements of the future.

The Charter is designed to meet the continuing needs of a growing City and have a high quality of government.

This Charter guarantees and vests the final voice of city government in the people of Rifle.

## **PREAMBLE**

We, the people of Rifle, Colorado, under authority granted by the Constitution of Colorado, do ordain and establish this Charter for the City Government of Rifle.

## **ARTICLE I**

### **GENERAL PROVISIONS**

#### **1.1 NAME AND BOUNDARIES**

The municipal corporation heretofore existing as the Town of Rifle in Garfield County, State of Colorado, shall remain and continue as a body politic and corporate and under this Charter be known as the City of Rifle in Garfield County, State of Colorado, with the same boundaries until changed in a manner authorized by law.

#### **1.2 POWERS**

The City shall have all the power of local self-government and home rule and all power possible for a City to have under the Constitution and laws of the State of Colorado. The enumeration of particular powers in this Charter is not exclusive of others.

#### **1.3 RIGHTS AND LIABILITIES**

By the name of the City of Rifle, the municipal corporation shall have perpetual succession; shall own, possess and hold all property, real and personal heretofore owned, possessed and held, by the Town, and does assume and shall manage and dispose of all trusts in any way connected therewith; shall succeed to all the right and liabilities; and shall acquire all benefits and does assume and shall pay all bonds, obligations, and indebtedness of the Town; may, by the name of the City of Rifle, sue and defend, purchase, receive, hold and enjoy, or sell and dispose of real and personal property; shall have a common seal and alter the same at pleasure.

#### **1.4 PRESENT ORDINANCES IN FORCE**

All ordinances of the Town in force at the time this Charter becomes effective shall continue in force except insofar as they may conflict with the provisions of this Charter, or shall be amended or repealed by ordinance enacted under authority of this Charter.

## **ARTICLE II**

### **ELECTIONS**

#### **2.1 COLORADO MUNICIPAL ELECTION LAWS ADOPTED**

City Elections shall be governed by the Colorado Municipal Election Law as now existing or hereafter amended or modified, except as otherwise provided in this Charter, or by ordinance.

#### **2.2 REGISTRATIONS, JUDGES, AND CLERKS**

The establishment of the regulations on registration, judges, and clerks, and the conducting of elections shall be governed by Colorado Municipal Election Laws as now existing, or hereafter amended or modified, except as otherwise provided in this Charter, or by ordinance.

#### **2.3 ELECTION DATE**

A regular City election shall be held on the second Tuesday of September, 1963, and shall be held on the second Tuesday of September of each odd numbered year thereafter.

#### **2.4 SPECIAL ELECTIONS**

Any special City election shall be called by resolution of the Council at least thirty days in advance of such election. The resolution calling a special election shall set forth the purpose of such election.

#### **2.5 ELECTIVE OFFICERS**

The elective officers of the City shall be seven (7) council persons. The seven city council persons may be nominated and elected from the City at large, or by election districts. If by election districts, the districts shall be contiguous, compact, and have approximately the same number of persons residing within each district.

After January 1, 1973, the Council shall have authority to provide for election of the Council by Districts, provided that the ordinance is enacted more than one year prior to any election date. Said Districts shall be contiguous, compact, and have approximately the same number of registered voters as determined by the number registered to vote at the preceding general municipal election.

*(Regular Municipal Election, September 1997; Ord 30-97 §3)*

#### **2.6 NOMINATIONS FOR ELECTIVE MUNICIPAL OFFICE**

Nominations for elective municipal office shall be by petition as provided by the Colorado Municipal Election Laws as now existing, or hereafter amended or modified, except that fifteen signatures shall be required on each petition.

#### **2.7 VACANCIES**

A Councilman's office shall become vacant whenever he is recalled, dies, becomes incapacitated, removes from or becomes a nonresident of the City. A vacancy which occurs more than ninety days

before the next regular City election shall be filled by a majority vote of the remaining Councilmen within thirty days after such vacancy occurs. Vacancies which occur within ninety days before any regular City election shall not be filled by the Council, but shall be filled at such regular election. The term of the appointment shall be until a successor is elected and qualified at the next regular City election. If three or more vacancies exist at any one time, the remaining Councilmen shall call a special election to elect members to fill out the unexpired terms of the offices so vacant, provided there will not be a regular City election within ninety days, (see Section 3.4). A Councilman's office shall become vacant when he fails to attend three consecutive regular unexcused meetings.

## **ARTICLE III**

### **CITY COUNCIL**

#### **3.1 CITY COUNCIL**

All powers of the City not otherwise limited or conferred upon others by this Charter shall be vested in a Council consisting of seven members. It shall have the power to enact and provide for the enforcement of all ordinances necessary to protect life, health and property; to declare, prevent and summarily abate and remove nuisances; to preserve and enforce good government, general welfare, order and security of the City and the inhabitants thereof; to enforce ordinances and regulations by ordaining fines and imprisonment as provided by Statutes of the State of Colorado; to provide for the granting of probation and the conditional suspension of sentences by the Municipal Court; and to delegate to boards and commissions within limitations of the Constitution and this Charter, such functions, powers, and authority of the City as it deems proper and advisable. No enumeration of particular powers granted to the Council shall be construed to impair any general grant of power herein contained or granted by the State Constitution, nor to limit any such grant to powers of the same class or classes as those so enumerated.

*(Ord. 18-91)*

#### **3.2 QUALIFICATIONS OF COUNCILMEN**

Each Councilman when nominated and elected shall be a qualified elector of the City, a citizen of the United States of America and shall have resided in the City for one year immediately preceding the election. No Councilman shall be a salaried employee of the City. The term of any Councilman shall terminate when he no longer resides within the City Limits of the City of Rifle.

#### **3.3 MAYOR AND MAYOR PRO TEM**

The Mayor shall be the presiding officer and required to vote. He shall be elected from the members of the Council at its organizational meeting, by a majority vote, after each general municipal election. He shall be recognized as head of the city government for all ceremonial and legal purposes, and he shall execute and authenticate legal instruments requiring his signature as such official.

The Mayor shall appoint a Councilman as Mayor Pro Tem who shall act as Mayor during the absence of the Mayor with all powers herein granted to the Mayor.

### **3.4 TERMS OF OFFICE**

Terms of the newly elected Councilmen shall begin at 8:00 P.M. on the first Monday following the regular municipal election.

In order to broaden the opportunities for public service and to ensure the City Council is representative of the citizens of the City of Rifle, no City Council Member shall serve more than two consecutive terms of four years each. This limitation on the number of terms shall apply to terms of office beginning on or after September 9, 2009. Any person appointed or elected to fill a vacancy on the City Council and who serves at least one-half of a term of office for that vacancy shall be considered to have served a term in that office. Terms are considered consecutive unless they are two years apart.

In the event of vacancies, additional Councilmen shall be elected to fill any unexpired terms created by a vacancy. At each election when there are vacancies, those who receive the highest number of votes shall be elected for the three or four, four year terms. The next highest vote, or votes, shall be elected to fill the vacancy, or vacancies. (See Section 2.7)

*(Citizen-Initiated Petition, Regular Municipal Election, September 1993; Regular General Election, November 2006, Ord. 25-2006 §3; Regular Municipal Election, September 2009, Ord. 20 §3, 2009)*

### **3.5 FINANCIAL INTEREST PROHIBITED (repealed)**

*(Repealed by Ord. 14-93 §1)*

### **3.6 OATH OF OFFICE**

The Councilmen, officers, and employees of the City shall each take an oath or affirmation before entering upon the duties of his office or position that he will support the Constitution of the United States and the State of Colorado, and The Charter and ordinances of the City of Rifle, and faithfully perform the duties of his office.

### **3.7 COMPENSATION OF COUNCILMEN**

The monthly compensation for Councilmen shall be initially \$25.00 for the Councilman named as Mayor and \$15.00 for each other Councilman until changed by ordinance. The compensation of the Councilmen may be changed by ordinance from time to time; provided, however, that no increase so granted will take effect before the next general election of Councilmen. All Councilmen shall be reimbursed for itemized and authorized expenditures made on behalf of the City or while taking care of the necessary business of the City.

### **3.8 COUNCIL MEETINGS**

Council meetings shall be held in the City Council Chambers at the City Hall, or at such other place within the City limits as the Council may, by resolution, prescribe. In the event that a meeting is held in a location other than City Hall, notice of the location shall be published and posted at least one week before the meeting. The organizational meeting of the City Council shall be held at 8:00 o'clock p.m. on the Monday following the regular municipal election. Regular meetings of the City Council shall be held not

less than twice monthly, at a time and date to be fixed by ordinance by the City Council. All regular and special meetings of the Council shall be open to the public.

Four (4) councilmen shall be a quorum for the transaction of business.

### **3.9 SPECIAL MEETINGS**

Special meetings of the Council shall be called by the Clerk, on the written request of the Mayor or any two members of the Council on at least twenty-four hour's written notice stating the purpose or purposes for which the meeting is to be called. The written notice of the special meeting, stating the purpose or purposes for which the meeting is to be called, shall be served on each member of the Council personally, or left at his usual place of residence. The notice may be served by any member of the Council or by any police officer of the City. The failure to give such notice of any special meeting shall not affect the proceedings taken at such meetings, provided all the members of the Council are present and participate in the action taken, otherwise only the purpose or purposes for which the special meeting is requested or called may be acted upon.

### **3.10 COUNCIL ADMINISTRATION RELATIONS**

Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the City Manager, and neither the Council nor any member thereof shall give orders to any of the subordinates of the City Manager.

### **3.11 INDEPENDENT ANNUAL AUDIT AND REPORT**

An independent audit shall be made annually of all financial affairs of the City, and more frequent audits may be made if deemed necessary by the Council. Such audits shall be made by registered or certified public accounts, experienced in municipal accounting, selected by the Council.

Copies of the above audit shall be made available for public inspection at the office of the City Clerk.

## **ARTICLE IV**

### **ORDINANCES**

#### **4.1 WHEN REQUIRED**

All legislative enactments of the Council must be in the form of ordinances. Legislative enactments as used herein shall include, but not be limited to, every act making an appropriation, levying a tax, authorizing the borrowing of money, creating an indebtedness, 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.

#### **4.2 VOTING**

The "ayes" and "nays" shall be taken upon the passage of all ordinances and entered upon the minutes, or records of the Council proceedings. Every ordinance except as otherwise provided in this Charter shall

require the affirmative vote of a majority of the entire Council entitled to vote for final passage, and a majority vote of the Council present for passage on any reading prior to final passage.

Every member when present must vote upon ordinances, except that a member who has a personal or private interest in any ordinance proposed or pending before the Council shall disclose this fact to it, and shall not be entitled to vote thereon, provided should any member, entitled to vote hereunder, fail to vote, his vote shall be recorded in the affirmative.

### **4.3 FORM OF ORDINANCE**

Every ordinance shall be introduced in written or printed form. The enacting clause of all ordinances shall be, THE COUNCIL OF THE CITY OF RIFLE, COLORADO, ORDAINS.

### **4.4 PROCEDURE OF PASSAGE**

The course that an ordinance shall take for passage shall be:

- (a) Introduction at any regular or special meeting by any member of the Council.
- (b) Reading in full, unless otherwise provided in this Charter.
- (c) Passage or rejection on first reading by a roll call vote of the Council.
- (d) If passed on first reading, it shall be published by title, together with a notice that the proposed ordinance is on file in the office of the City Clerk for inspection, and further, that it will come before the Council for final passage at the next regular Council meeting.
- (e) Introduction a second time at a regular meeting not earlier than seven days after publication for final passage or rejection by a roll call vote of the Council. An ordinance may be amended before final passage by a roll call vote of the Council.
- (f) An ordinance shall be published in full after final passage.
- (g) Appropriation ordinances are excepted from the provisions of (d) and (e) above. The annual appropriation ordinance may be introduced, read in full, and passed at a meeting of the Council on or before the regular meeting of November of each year.
- (h) An ordinance, when passed, shall take effect and be in force ten days after final publication, except for ordinances necessary for the immediate preservation of the public peace, health, or safety, which said excepted ordinances shall take effect immediately upon passage on one reading without publication and such excepted ordinances shall be published as soon as reasonably possible thereafter; provided, however, said excepted ordinances must be approved by 75% of the Council Members present. A recitation in any such excepted ordinance that the Council deems the passage of said ordinance to be for the immediate preservation of public peace, health or safety shall be conclusive.
- (i) Any ordinance, in the passage of which the required publications were effected by posting as set forth in Section 13.17(d), shall be published in full, unless otherwise provided in this Charter, in a newspaper of general circulation within the City as soon as such newspaper publication is available; but such required newspaper publication of an ordinance, or of any notice of public hearing called in

connection with the passage of said ordinance, shall not be a requirement for the effectiveness of any ordinance so passed.

*(Regular Municipal Election, September 2003; Ord 21-03 §3)*

#### **4.5 DISPOSITION**

A true copy of every ordinance, as adopted by Council, shall be numbered and recorded, and adoption and publication shall be authenticated by the signature of the Mayor and the City Clerk and by the certificate of the publisher, respectively.

#### **4.6 CODIFICATION**

Within three years after the effective date of this Charter, the Council shall direct and complete the codification of the permanent ordinances of the City and shall cause a recodification to be made at least every ten years. Such codification need not be published, but shall be prima facie evidence of the contents of the ordinances so codified.

All additions or amendments to the Code shall be adopted by ordinance, and when passed in such form as to indicate the intention to make the same a part of the municipal code, shall be deemed to be incorporated in such Code.

#### **4.7 CODES PUBLISHED BY REFERENCE**

Standard codes, promulgated by the Federal Government, the State of Colorado, or any agency of either, or by any municipality within the State of Colorado, including the City of Rifle, or by recognized trade or professional organizations, or amendments or revisions thereof may be adopted by reference; providing the publication of the adopting ordinance shall advise that copies of the code to be adopted by reference are available for inspection at the office of the City Clerk and providing that any penalty clause in said codes may be adopted only if set forth in full and published in the adopting ordinance.

#### **4.8 SEVERABILITY OF ORDINANCES**

Unless an ordinance shall expressly provide to the contrary, if any portion of an ordinance or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications of the ordinance which can be given effect without the invalid portion or application; provided such remaining portions or applications are not determined by the court to be inoperable, and to this end ordinances are declared to be severable.

#### **4.9 RESOLUTIONS AND MOTIONS**

All actions of the Council not required by this Charter to be in the form of ordinances, including without limitation the action of the Council in calling a special election, may be in the form of resolutions and motions, on which the "ayes" and "nays" shall be taken and recorded on the minutes. Every member when present must vote upon resolutions and motions, except that a member who has a personal or private interest in any resolution and motion proposed or pending before the Council shall disclose this fact to it, and shall not be entitled to vote thereon; provided should any member, entitled to vote hereunder, fail to vote, his vote shall be recorded in the affirmative.

## **ARTICLE V**

### **INITIATION, REFERENDUM AND RECALL**

#### **5.1 INITIATION AND REFERENDUM**

An ordinance may be initiated by petition, or a referendum on an enacted ordinance may be had by petition, or the Council may, on its own motion, submit an ordinance to the electorate as hereafter provided.

#### **5.2 PETITION REQUIREMENTS**

An initiation or referendum petition shall be signed by qualified electors in a number not less than ten percent of the number of persons who were registered electors of the City, as of the date of the last regular City election, and all signatures on said petition shall be obtained within twenty-one days before the date of filing the petition with the Clerk. Any such petition shall be addressed to the Council and may be the aggregate of two or more petition papers identical as to content and simultaneously filed by one person. An initiation petition shall set forth in full the ordinance it proposes to initiate, and no petition shall propose to initiate more than one ordinance. A referendum petition shall identify the ordinance or part thereof or code section it proposes to have repealed and shall be filed with the Clerk no later than the effective date specified in Section 4.4(h). Each signer of a petition shall sign his name, the date and his place of residence by street and number, or by other customary designation. To each petition paper, there shall be attached a sworn affidavit by the circulator thereof stating the number of signers thereof, and that each signature thereon is the genuine signature of the person whose name it purports to be, and that it was made in the presence of the affiant. Such petition shall be filed with the Clerk who shall within fifteen days, canvass the signatures thereon. If the petition does not contain a sufficient number of signatures of qualified electors of the City, or any other error or insufficiency shall be found in the petition, the Clerk shall notify forthwith by registered mail the person filing such petition and fifteen days from such notification shall be allowed for filing of supplemental or corrected petition papers. When a petition with sufficient signatures is filed within the time allowed by this section, the Clerk shall present the petition to the Council at its next regular meeting.

*(Regular Municipal Election, September 1997; Ord 33-97 §3)*

#### **5.3 COUNCIL PROCEDURE ON INITIATION AND REFERENDUM PETITIONS**

Upon presentation to the Council of an initiation or referendum petition by the Clerk, the Council shall, within thirty days, either:

- (a) Adopt the ordinance as submitted by an initiation petition,
- (b) Repeal the ordinance, or part thereof, referred to by a referendum petition, or
- (c) Determine to submit the proposal provided for in the petition to the electors.

#### **5.4 SUBMISSION OF INITIATION AND REFERENDUM ORDINANCES TO ELECTORS**

Should the Council decide to submit the proposal to the electors, or should they, on their own motion, submit an ordinance to the electors, it shall be submitted at the next regular City election held in the City

for any other purpose, or in the discretion of the Council at a special election called for that specific purpose. In the case of an initiation petition, if no election is to be held in the City for any other purpose within one hundred fifty days from the time the petition is presented to the Council, and it does not enact the ordinance, then the Council shall by resolution, call a special election within sixty days from such date of presentation for the submission of the proposal. The result of all elections held under the provisions of this section shall be determined by a majority vote of the electors voting thereon.

#### **5.5 MISCELLANEOUS PROVISIONS ON INITIATION AND REFERENDUM PETITION**

An ordinance adopted by the electorate may not be amended or repealed for a period of six months after the date of the election at which it was adopted, and an ordinance repealed by the electorate may not be re-enacted for a period of six 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 initiatory procedure in accordance with the foregoing provisions of this Charter, or if submitted to the electorate by the Council on its own motion. If two or more ordinances adopted at the same election shall have conflicting provisions, the provisions in the ordinance receiving the highest number of affirmative votes shall govern.

#### **5.6 ORDINANCES EXCEPTED**

Anything to the contrary notwithstanding, ordinances authorizing the issuance of bonds, levying taxes, the annual appropriation ordinances and those ordering improvements initiated by petition to be paid for by special assessments and those declaring an emergency shall be excepted from the referendum.

#### **5.7 RECALL**

Every elective public officer of the City may be recalled at any time after six months in office by the electors entitled to vote for a successor of such incumbent through the procedure and in the manner provided for in Article XXI of the Constitution of the State of Colorado.

#### **5.8 RECALL PROCEDURE BY COUNCIL**

The Council may provide by ordinance such further procedure as may be deemed necessary as long as it is not inconsistent with the Constitution of the State of Colorado or this Charter. However, in no event shall an ordinance require any recall petition to be signed by more than twenty-five per cent of the electors of the entire vote cast at the last preceding election for all candidates for the office.

After one recall petition and election, no further petition shall be filed against the same officer during the term for which he was elected, unless the petitioners signing said petition shall equal fifty per cent of the votes cast at the last preceding general election for all the candidates.

### **ARTICLE VI**

#### **CITY ADMINISTRATION**

##### **6.1 CITY MANAGER**

The City Manager shall be the chief administrative officer of the City.

## **6.2 APPOINTMENT, QUALIFICATIONS AND SALARY**

The Council by a majority vote shall appoint a City Manager within ninety days after any vacancy exists in such position. He shall serve at the pleasure of a majority of the Council at a salary to be fixed by the Council. He shall be selected on the basis of his executive and administrative qualifications with special reference to his actual experience in and his knowledge of accepted practice in respect to the duties of his office. At the time of his appointment, he need not be a resident of the City or State, but during tenure of office he shall reside within the City.

The salary and benefits (total compensation) of the City Manager may not exceed 105% of the average of the total compensation paid to City Managers for cities of the approximate population of the City of Rifle. The City Manager's salary shall be reviewed by the City Council as part of the approval of the City's budget each year to insure compliance with this provision.

*(Citizen Initiated Petition, Regular Municipal Election, September 1993)*

### **6.2.5 TERM OF OFFICE (repealed)**

*(Repealed by Special Municipal Election, January 1998; Citizen Initiated Petition, Regular Municipal Election, September 1993)*

## **6.3 ABSENCE OF CITY MANAGER**

The Council may appoint or designate an acting City Manager during the period of vacancy in the office, or during the absence of the City Manager from the City. Such acting City Manager shall, while he is in such office, have all the responsibilities, duties, functions, and authority of the City Manager.

## **6.4 POWERS AND DUTIES**

The City Manager shall be responsible to the Council for the efficient administration of all affairs of the City placed in his charge, and to that end he shall have the power and duty to:

- (a) Enforce the laws and ordinances of the City.
- (b) Appoint, suspend, transfer and remove all employees of the City, except as otherwise provided herein, subject to the personnel regulations of the City adopted by the Council.
- (c) Make appointments on the basis of executive and administrative ability, and of the training and experience of such appointees in the work which they are to perform.
- (d) Prepare a proposed budget annually and submit it to the Council, and be responsible for the administration of the budget after its adoption.
- (e) Prepare and submit to the Council as of the end of the fiscal year a complete report on finances and administrative activities of the City for the preceding year, and upon request of the Council make written or verbal reports at any time concerning the affairs of the City under his supervision.
- (f) Keep the Council advised of the financial condition and future needs of the City, and make such recommendations to the Council as he may deem necessary or expedient.

(g) Exercise supervision and control over all executive and administrative departments, and recommend to the Council any proposal he thinks advisable to establish, consolidate or abolish administrative departments.

(h) Enforce all terms and conditions imposed in favor of the City or its inhabitants in any contract or public utility franchise, and upon knowledge of any violation thereof, report same to the Council for such action and proceedings as may be necessary to enforce the same.

(i) Attend Council meetings and participate in discussions with the Council in an advisory capacity.

(j) Establish a system of accounting and auditing for the City; show that legal provisions have been complied with and reflect the financial condition and financial operation of the City; establish cost accounting systems whenever practicable.

(k) Act as a purchasing agent for the City.

(l) Be responsible for engineering, architectural, maintenance, construction and work equipment services required by the City.

(m) Perform such other duties as may be prescribed by this Charter, by ordinance, or by the Council.

## **6.5 CITY CLERK**

The City Clerk shall be appointed by the City Manager with the approval of the City Council, and have his salary fixed by the Council.

## **6.6 DUTIES**

The duties of the City Clerk shall be to:

(a) Act as the Clerk of the Council.

(b) Give notices of all meetings to the Council.

(c) Keep a complete record of the proceedings of the Council.

(d) Authenticate by his signature and record in a book kept for the purpose, all ordinances and resolutions.

(e) Maintain a general accounting system for the city government, and of each of its offices, departments, and agencies.

(f) Issue all licenses and collect the fees therefor.

(g) Collect all funds of every description belonging to, due to, or accruing to the City, including fines and penalties, water rentals, sewer fees, cemetery fees, parking meter fees and fines, and fees for the collection of trash and garbage.

(h) Deposit all collections made for the City in the authorized depository and notify the City Treasurer and the City Manager of such deposits.

(i) Be the custodian of the City Seal and affix it to all documents and instruments requiring the seal and attest the same. Be the custodian of all papers, documents and records pertaining to the City, the custody of which is not otherwise provided for.

(j) Provide and maintain in his office a supply of forms for all petitions required to be filed for any purpose by the provisions of this Charter.

(k) Have the power to administer oaths of office and perform such other duties as may be prescribed for him by this Charter, by the City Council or by the City Manager.

## **6.7 CITY TREASURER**

The City Treasurer shall be appointed by the City Manager with the approval of the Council and have his salary fixed by the Council.

## **6.8 DUTIES**

The duties of the City Treasurer shall be to:

(a) Keep separate accounts for all the established departments and funds of the City and keep separate accounts for the items of appropriation contained in the City budget, each of which accounts shall show the amount of appropriation, the amounts collected, and the amounts paid therefrom, and the unencumbered balance.

(b) Pay all bills by check on the depository after the bills are first approved by the Council and after he has received a warrant of indebtedness from the City Clerk signed by the City Clerk and either the Mayor or the City Manager.

(c) Submit to the City Manager and the Council a monthly statement of all receipts and disbursements in sufficient detail to show the Council and the City Manager the exact financial condition of the City and all of its separate departments.

## **6.9 DEPARTMENTS CREATED**

(a) The administrative functions of the City shall be performed by the following departments: Water and Sewer; Streets; Refuse and Sanitation; Police; Parks and Buildings; Fire; Health; and such other departments as may be hereafter established by ordinance. Upon recommendation of the City Manager, the Council may, by ordinance, consolidate or merge any of the said departments, whether set forth in the Charter or created by ordinance.

(b) Any person employed by the City of Rifle as the City Manager, even if designated by another name but serving in this functional capacity, shall reside on a full time basis, within the Rifle City Limits. No such person may comply with this section by simply having a physical residence within the Rifle City Limits. The intent of this provision is that this person shall be a full time resident within the City Limits of the City of Rifle. New employees holding this position shall have ninety (90) days from the date of commencement of his or her employment to establish full time City residence. Any person employed by

the City of Rifle as the Chief of Police, City Engineer, or City Planner, even if designated by another name but serving in this functional capacity may be permitted to reside outside of the Rifle City Limits, but within a distance of twenty-five (25) miles from the Rifle City Limits.

(c) In the employment of people to work for the City, whether by contract or otherwise, preference shall be given to residents of the City.

*(Ord. 19-99 §3 (part); Citizen Initiated Petition, Regular Municipal Election, September 1993; Ord. 18-07)*

## **6.10 TERMINATION, SALARY, AND BENEFITS**

No City employee, upon termination, shall be paid compensation and/or severance pay, by wages, benefits, or a combination of both, which would exceed a sum equal to three times that employee's average monthly gross pay including all benefits. The employee's average monthly gross pay, including benefits, shall be determined by averaging that City employee's gross monthly wages and benefits for the twenty-four months preceding the date of termination.

*(Regular Municipal Election, September 1993; Reso. 3 §2, 2010)*

# **ARTICLE VII**

## **BOARD AND COMMISSIONS**

### **7.1 GENERAL PROVISIONS**

The Council may by ordinance establish Boards and Commissions and provide for their powers and duties, and the Council may by ordinance consolidate, merge, or abolish any of the said Boards or Commissions. Unless otherwise required by law or this Charter, all Boards and Commissions shall be appointed by the Council. Initial appointments by the Council shall specify the term of office of each individual in order to achieve overlapping tenure. All members shall be subject to removal by the appointing authority. The Council shall make appointments to fill vacancies for unexpired terms. Except as otherwise provided in this Charter, each Board and Commission shall choose its own Chairman and vice chairman from its members and operate in accordance with the rules of procedure set forth by the appointing authority.

All meetings shall be open to the public. Copies of all records and minutes of all meetings shall be kept and placed in the office of the City Clerk for public inspection. Reports shall be made to the Council as the Council shall require.

### **7.2 SERVICES PROVIDED**

The Council may provide by ordinance for the planning, establishment, and supervision of a community recreation program and for equipping and maintaining City-owned or controlled parks, recreational areas and facilities, in and outside the City, which functions shall be under the direction of the City Manager.

The City may cooperate with other public authorities, organizations, or individuals, in or outside the City, to implement the operations of any public recreation programs, or program for the benefit of the public.

## **ARTICLE VIII**

### **CITY ATTORNEY AND MUNICIPAL COURT**

#### **8.1 APPOINTMENT OF CITY ATTORNEY**

The Council shall appoint a City Attorney who shall be the legal representative of the City, and shall advise the Council and City officials in matters relating to their official powers and duties. The City Attorney shall be an attorney-at-law admitted to practice in Colorado. The Council may provide the City Attorney with such assistants as the Council may deem necessary. The Council shall establish compensation for the City Attorney, his assistants and special counsel.

#### **8.2 DUTIES**

The City Attorney or his assistants shall represent the City in all legal proceedings, supervise the drafting of all ordinances, and the preparation of all other legal documents. He or his assistants shall attend all Council meetings, and shall perform all services incident to this position as may be required by this Charter or the ordinances of the City.

#### **8.3 SPECIAL COUNSEL**

The Council may, on its own motion or upon request of the City Attorney, in special cases employ special counsel to serve under the direction of the City Attorney. Special counsel engaged in regard to irregularities found by audit, or any alleged dereliction in the duties of any officer or employee, shall serve independently of the City Attorney.

#### **8.4 MUNICIPAL COURT**

There shall be a Municipal Court which shall have jurisdiction to hear and determine all cases arising under this Charter or the ordinances of the City. The powers of and the procedure in such Municipal Court and the manner of enforcement of its orders and judgments, shall be such as is provided for under the Statutes of the State of Colorado, and the present ordinances of the City with respect to police magistrates, except as may be otherwise provided in this Charter or by ordinances hereafter enacted. The Council shall have the power to provide for juries for service in the Municipal Court.

The Council shall provide suitable quarters for the honor and dignity of the Court, and all supplies and things necessary for the proper functioning of the Court.

#### **8.5 QUALIFICATIONS AND APPOINTMENT OF MUNICIPAL JUDGE**

One or more Municipal Judges shall be appointed by the City Council. They shall be at least twenty-five years of age at the time they shall assume the duties of their office. The jurisdiction and powers and procedure in such Municipal Court and the manner of enforcement of its orders and judgments, shall be such as is provided for under the Statutes of the State of Colorado and the present ordinances of the City

with respect to police magistrates, except as may be otherwise provided in this Chapter or by ordinance hereafter enacted.

They shall receive such fixed compensation as may be established by resolution of the Council, but such compensation shall not be based upon the fees or fines assessed by the Court nor upon the basis of "per case" handled. In the absence of the judge, or judges, so appointed, the judge shall designate one or more substitute judges to serve. (Ord. 23-1985 §5, 1985).

## **8.6 PENALTIES FOR VIOLATIONS**

When authorized by ordinance, the Municipal Court shall have authority to levy fines and to impose jail terms in the amounts and for the times provided by the Statutes of the State of Colorado.

*(Ord. 18-91)*

# **ARTICLE IX**

## **CITY FINANCES**

### **9.1 FISCAL YEAR**

The fiscal year for the City of Rifle and of all its agencies, shall begin on the first day of January, and end on the thirty-first day of December of each year.

### **9.2 ANNUAL BUDGET**

On or before the 20th day of September of each year, the City Manager shall submit to the City Council a complete budget for the City for the next fiscal year.

### **9.3 SCOPE OF THE BUDGET**

The budget adopted by the Council shall contain:

- (a) An estimate of anticipated revenue from all sources other than the tax levy for the ensuing year.
- (b) An estimate of the general fund cash surplus at the end of the current fiscal year, or of the deficit to be made up by appropriation.
- (c) The estimated expenditures necessary for the operation of the several departments, offices, and agencies of the City.
- (d) Debt service requirements for the ensuing fiscal year.
- (e) An estimate of the sum required to be raised by the tax levy for the ensuing fiscal year, and the rate of levy necessary to produce such sum based on the percentage of current levy collection experience during the preceding fiscal year.

(f) A program of proposed capital projects for the ensuing year and the five years thereafter, which shall contain estimates of the cost of such projects, together with suggested methods of financing the same. The City Manager shall include those projects previously considered and not abandoned and give his reasons therefor. This report may be a part of the budget or a separate report attached thereto.

(g) A balance between the total estimated expenditure, including any deficit to be met, and moneys set aside for public improvements and total anticipated revenue, plus any surplus. All estimates shall be in detail showing revenues by source, and expenditures by organizational units, activities, character and object.

#### **9.4 BUDGET HEARING**

On receipt of the proposed budget, the Council shall set a day for the hearing of the budget and shall show that such proposed budget is open for inspection by the public at the office of the City Clerk. Notice of the time and place of such hearing shall be published at least once ten days prior to such hearing.

#### **9.5 ADOPTION OF THE BUDGET**

After said public hearing and before the last day of October of each year, the Council shall adopt by resolution the budget for the ensuing fiscal year and shall fix the tax levy.

#### **9.6 ANNUAL APPROPRIATION**

After said public hearing and on or before the regular meeting in November of each year, the Council shall pass the annual appropriation ordinance in which shall be appropriated such sums of money as the Council deems necessary to defray all expenses and liabilities of the City during the ensuing year.

The annual appropriation ordinance shall be based upon the budget as adopted, but need not be itemized further than by departments and the major divisions thereof, and by each independent office and agency.

#### **9.7 CERTIFICATION OF TAX LEVY**

Not later than the last day of October of each year, or such other date required by law, the Council shall fix the amount of tax levy which shall be assessed upon each dollar of assessed valuation of all taxable property within the corporate limits of the City, and shall cause the same to be certified to the County as required by law. If the Council should fail in any year to make such levy as above provided, the rate last fixed shall be the rate for the ensuing fiscal year, which rate shall be levied as by law provided.

#### **9.8 GENERAL FUND**

There is hereby established a fund to be known as the general fund. All revenues not specifically allocated to any other fund shall be placed in the general fund. All general functions of the City shall be financed by expenditures from the general fund.

## **9.9 CONTINGENCIES**

The general fund may contain an item for contingencies. Except in those cases where there is no logical account to which an expenditure can be charged, expenditures shall not be charged directly to contingencies; but instead, the necessary part of the appropriation for contingencies shall be transferred to the logical account, and the expenditure charged to such account. No such transfer shall be made without the express approval of the Council, and then only for expenditures which could not be readily foreseen at the time the budget was adopted.

## **9.10 SPECIAL FUNDS**

Additional funds which shall be known as special funds shall be created by ordinance to provide for moneys to be held for special purposes, such as: depreciation and obsolescence; debt service; equipment and building replacement; special services; local improvements; city-owned utilities; trust funds and endowments; and such other purposes as the Council may determine.

## **9.11 CAPITAL PROJECT FUND**

The Council may create a fund to be known as the capital project fund for the purposes of paying the cost of capital improvements, including purchase of land, buildings, or equipment, and the improvement and construction of public works. The Council shall have power to define the rules and regulations pertaining to such fund by ordinance, and shall have power to transfer from time to time moneys from the general fund to the capital project fund. Appropriations for construction or other permanent improvements from the capital project fund shall not lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned; unencumbered balances from projects accomplished or abandoned shall be used for payment of any outstanding bond indebtedness of the City, or if none, to any other fund.

## **9.12 TRANSFER OF FUNDS**

The City Council may, by the affirmative vote of five or more of the Council, transfer any unencumbered appropriation balance, or portion thereof, from one department to another at any time; except that no transfer shall be made from any sinking fund, encumbered fund, or capital project fund. The funds held under the perpetual care ordinance (No. A-14, Town of Rifle) shall be devoted exclusively to the perpetual care of the lots in the Rose Hill Cemetery as now provided by the ordinance.

## **9.13 ADDITIONAL APPROPRIATIONS**

The Council may make additional appropriations by ordinance during the fiscal year for unanticipated expenditures required of the City, but such additional appropriations shall not exceed the amount by which actual and anticipated revenues of the year are exceeding the revenues as estimated in the budget, unless the appropriations are necessary to relieve an emergency endangering the public health, peace or safety.

## **9.14 INVESTMENTS**

Funds on hand which are not then needed in the conduct of the affairs of the City may be invested in securities which are legal investment for public funds under Statutes of the State of Colorado in force at the time of such investment.

## **ARTICLE X**

### **BONDED INDEBTEDNESS**

#### **10.1 GENERAL OBLIGATION BONDS, WATER EXTENSION BONDS, AND SEWER EXTENSION BONDS**

Indebtedness and obligations of the City shall be incurred and limited as provided in Articles XI and XX of the Constitution of the State of Colorado, applicable to towns and cities, except as otherwise provided in this Charter. The Council shall have power to issue general obligation bonds of the City for any public purpose upon the affirmative vote of a majority of the registered electors of the City voting thereon, at any special or general election; provided, however, that sewer bonds as well as water bonds need not be so authorized. The total outstanding general obligation indebtedness of the City, other than water bonds or sewer bonds, shall not at any time exceed three per cent of the assessed valuation of the taxable property within the City as shown by the last preceding assessment for tax purposes. Bonds of the City, other than water bonds and sewer bonds, shall mature in not more than twenty-five years from date and shall be payable in annual installments commencing not later than five years after the date of issue of said bonds. Water bonds and sewer bonds shall mature and be payable as provided by the ordinance authorizing the issuance of said bonds.

*(Regular Municipal Election, September 1997; Ord 33-97 §4)*

#### **10.2 REVENUE BONDS**

The Council shall have power to issue revenue bonds to provide for improvement or extension of water or sewer systems, if said bond shall be payable solely out of the revenues derived from the operation of the water system or the sewer system or both the water system and the sewer system, and to create enterprises having the authority to issue their own revenue bonds for such purposes. All other revenue bonds for any public purpose shall be issued upon the affirmative vote of a majority of the registered electors of the City voting thereon, at any special or general election.

*(Regular Municipal Election, September 1997; Ord 33-97 §5)*

#### **10.3 REFUNDING BONDS**

The Council may authorize, by ordinance, without an election, issuance of refunding bonds for the purpose of paying or providing for the payment by escrow deposit, or otherwise outstanding bonds of the City, including special improvement bonds.

#### **10.4 SPECIAL AND LOCAL IMPROVEMENT DISTRICTS AND CONSTRUCTION OF IMPROVEMENTS THEREIN**

The City Council shall have the power to establish, by ordinance, improvement districts for the construction of special or local improvements of every kind and character, in the following manner, to-wit:

(a) By order of the Council upon its determination that such improvement is necessary for the preservation of the public peace, safety, health or welfare.

(b) On a petition by the owners of more than fifty per cent of the area of the proposed district, provided that such majority shall include not less than fifty per cent of the landowners residing in the territory.

In either event, a public hearing shall be held at which all interested parties may appear and be heard. The improvement district proposal shall be published in a newspaper of general circulation in the City of Rifle and shall fix the time and place for such public hearing. Publication shall take place not less than seven days nor more than fourteen days prior to said hearing, and during this period a notice or summary thereof shall be mailed to each property owner affected. At the conclusion of the public hearing, the Council shall consider all protests and shall establish or reject all or any part of the proposed district as the interests of the petitioners and the general public may best be served.

The establishing ordinance shall prescribe the method and manner of making such improvements, the letting of contracts therefor and the assessing of the cost thereof. The ordinance shall provide for issuing and paying special improvement bonds to defray the costs and expenses of the organization of said district and of the construction or installation of said improvements. Property owners shall have the right to pay their individual assessments in full without interest upon certification of the assessment to the County Treasurer.

*(Regular Municipal Election, September 1997; Ord 33-97 §6)*

#### **10.5 SPECIAL OR LOCAL IMPROVEMENT DISTRICT BONDS—SPECIAL SURPLUS AND DEFICIENCY FUND**

When all outstanding bonds have been paid in a special improvement district and any money remains to the credit of said district, it may be transferred to a Special Surplus and Deficiency fund.

Whenever there is a deficiency in any improvement district to meet payment of outstanding bonds and interest due thereon, it may be paid out of said fund.

Whenever a special or local improvement district has paid and canceled three-fourths of its bonds issued, and for any reason the remaining assessments are not paid in time to take up the remaining bonds of the district and interest due thereon, and there is not sufficient money in the special surplus and deficiency fund, then the City may pay the bonds when due and interest due thereon and reimburse itself by collecting the unpaid assessments due the districts.

*(Regular Municipal Election, September 1997; Ord 33-97 §7)*

## **10.6 SPECIAL OR LOCAL IMPROVEMENT DISTRICT BONDS—GENERAL BENEFITS**

In consideration of general benefits conferred on the City at large from the construction or installation of improvements in special or local improvement districts, the City Council may levy annual taxes on the taxable property within the City, not exceeding two mills in any one year, to be disbursed as determined by the City Council, for the purpose of paying for such benefits, for the payment of any assessments levied against the City itself in connection with bonds issued for special or local improvement districts, and for the purpose of advancing money to maintain current payments of interest and equal annual payments of the principal amount of bonds issued for any special or local improvement district hereafter created. The proceeds of such taxes shall be placed in a special fund and shall be disbursed only for the purposes specified herein, provided however, that in lieu of such tax levies, the City Council may annually transfer to such special fund any available money of the City, but in no event shall the amount transferred in any one year exceed the amount which would result from a tax levied in such year as herein limited. As long as any bonds issued for special or local improvement districts hereafter organized remain outstanding, the tax levy or equivalent transfer of money to the special fund created for the payment of said bonds shall not be diminished in any succeeding year until all of said bonds and the interest thereon shall be paid in full, unless other available funds are on hand therefor, or such bonds and interest are paid by the City as required in Section 10.5 of this Charter.

## **10.7 BOND SALES—LIMITATIONS**

All bonds issued pursuant to the provisions of this Charter shall be sold at public or private sale as determined by the Council for the best advantage of the City. Each bond issue may contain provisions for the redemption of bonds prior to their respective maturity dates on such terms as may be provided by the City Council, including, without limitation, the payment of a premium.

*(Regular Municipal Election, September 1997; Ord 33-97 §8)*

# **ARTICLE XI**

## **TAXATION**

### **11.1 AUTHORITY TO LEVY TAXES**

The Council may levy and collect taxes for municipal purposes, and it may levy and collect special assessments for local improvements as provided in this Charter or by ordinance.

### **11.2 TAX LEVY LIMITATION**

All tax levies of the City, except tax levies for the payment of the bonded indebtedness of the City or levied pursuant to Section 10.6 of this Charter, when applied to the total assessed valuation of the City, shall be so fixed as to prohibit the levying of a greater mill levy for general expenditures than was levied in the preceding year, plus five per cent on the previous year's mill levy; provided, however, that if the Council shall be of the unanimous opinion that the amount of taxes so limited will be insufficient for the City's need for such year, they may, by resolution unanimously adopted, authorize an increased levy above such limit; provided that such increased levy shall not exceed an additional five per cent unless authorized by a special election.

### **11.3 LIMIT ON TAX POWERS OF THE CITY**

No income tax, sales tax, or cigarette or tobacco tax shall be adopted after the adoption of this Charter until it shall have been approved by a majority of the electorate at a regular or special election and then the revenue from such taxes shall be used only for the purpose for which levied.

### **11.4 COLLECTION OF TAXES**

Until the Council shall otherwise provide by ordinance, the County Treasurer shall collect City taxes in the same manner and at the same time as State taxes are collected. In like manner, the Council may provide for collection of special improvement assessments by said Treasurer. All laws of this State for the assessment of property and the levy and collection of general taxes, sale of property for taxes, and the redemption of the same, shall apply and have as full effect in respect to taxes for the City as of such general taxes, except as modified by this Charter. The County Treasurer shall report and pay to the City the amount of tax collections of the City for the preceding month. The estimated costs of tax collections and losses shall be included in the budget.

### **11.5 AUTHORITY TO ACQUIRE PROPERTY**

In addition to any other power it has to acquire property, the City of Rifle is hereby authorized to purchase or otherwise acquire property on which there are delinquent taxes and/or special assessments. The Council may, by ordinance, sell and dispose of any property acquired under this authority.

## **ARTICLE XII**

### **FRANCHISES**

#### **12.1 PRESENT FRANCHISES**

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

#### **12.2 FRANCHISES GRANTED UPON VOTE**

No franchise shall be granted except upon the affirmative vote of a majority of the qualified electors voting thereon at a special election called for that purpose. Such election shall be held within ninety days after deposit with the City Manager of the expenses, to be determined by the City Manager, of such submission by the applicant for such franchise. In no event shall an exclusive franchise ever be granted.

#### **12.3 EXTENSION OF TERRITORY**

With respect to any franchise after negotiation or mutual agreement, the Council may by ordinance extend the area to include streets, alleys, or public places and property not embraced in such franchise, when public convenience and necessity requires, subject to all the terms and conditions of such original franchises, and co-extensive with the terms thereof, without a vote of the qualified electors.

#### **12.4 TERM, COMPENSATION, RESTRICTION**

No franchise, lease or right to use the streets, or the public places or property of the City, shall be granted for longer than twenty-five years. Every grant of a franchise shall fix the amount and manner of payment of the compensation to be paid by the grantee for the use of the same, and no other compensation of any kind shall be exacted for such use during the life of the franchise. This provision shall not exempt the grantee from any lawful taxation upon his or its property, nor from any license, charges, or other impositions levied by the Council, not levied on account of the use granted by the franchise.

#### **12.5 RAILROAD TRACKS AND CROSSINGS**

The Council may require, by ordinance, any railroad or other transportation system, to elevate or lower any of its rights-of way or tracks running over, under, along or across any public thoroughfare; and to construct and maintain all street crossings, bridges, viaducts or other conveniences in good condition, with proper approaches and safety devices. The cost of such work shall be apportioned fairly, subject to arbitration.

#### **12.6 REVOCABLE LICENSES**

After public hearing, the Council by ordinance may grant a revocable license to lay sidetracks and switches along or across any public thoroughfare, in accordance with standards and procedures to be adopted by the Council.

#### **12.7 REVOCABLE PERMITS**

The Council may grant permits for the temporary use or occupation of any street, alley or public place, and establish conditions and compensation to be paid the City therefor.

#### **12.8 CONDEMNATION OR PURCHASE**

The right of the City to construct, purchase, or condemn any public utility, work or way, as provided by law, is expressly reserved.

#### **12.9 ASSIGNMENT**

Assignment or leasing of a franchise shall be considered a forfeiture unless consent is given by the Council by ordinance.

#### **12.10 BOOKS AND RECORDS**

The Council shall cause to be kept in the office of the City Clerk, an indexed franchise record in which shall be transcribed copies of all franchises granted by the City. The record shall be a complete history of all such franchises, and shall include a comprehensive and convenient reference to all actions at law affecting the same, and copies of all annual and inspection reports, and such other information as the Council may require.

### **12.11 CONTROL OF FRANCHISE FOR USE OF WATER RESERVED TO CITY**

No franchise, right, or privilege shall be granted affecting the use of the water belonging to the City, or affecting its water systems, without retaining complete and absolute control in the City.

### **12.12 COMMON USE OF FACILITIES**

The Council shall have the power to require any holder of a franchise from the City, or other public utility, to allow the use of its rights-of-way, poles, and wires by any franchise holder, or the City itself, upon payment of a reasonable rental therefor; and the City may, under the terms prescribed by the Council, allow such franchise holders to use rights-of-way, poles, and wires of city-owned utilities.

## **ARTICLE XIII**

### **MISCELLANEOUS LEGAL PROVISIONS**

#### **13.1 WATER RIGHTS IN ANNEXATION**

The City shall have power to purchase, or obtain, such existing water rights as may be used upon, or allotted to, any land which is annexed to the City.

#### **13.2 RESTRICTION ON SALES OF LAND AND WATER RIGHTS**

Neither lands owned and used by the City for park or governmental purposes, nor water rights, shall be sold or conveyed without an affirmative vote of a majority of the qualified electors. Nothing in this provision, however, shall prohibit the City from exchanging or changing point of diversion of water rights without such vote.

#### **13.3 NOTICE REQUIRED ON NEGLIGENCE ACTION**

No action for the recovery of compensation for personal injury or death or property damage, or any other action against the City, shall be maintained unless written notice of the time, place and cause of injury is given to the City Clerk by the person injured, his agent or attorney, within the time and in the manner provided by the statutes of the State of Colorado.

#### **13.4 RIGHT OF EMINENT DOMAIN**

The City shall have the right of eminent domain as provided by the Constitution and the Statutes of The State of Colorado.

#### **13.5 FIDELITY BONDS**

Before any officer or employee of the City who handles City funds, or inventories of materials and supplies, shall be permitted to enter upon the duties of his office or employment, he shall obtain and file with the City Clerk a fidelity bond from a bonding company authorized to do business in the State of Colorado, in an amount to be fixed by the Council. Such bond may be a blanket bond covering all such employees. All official bonds shall be corporate surety bonds and the premiums thereon shall be paid by the City.

### **13.6 CITY DEPOSITORY**

The Council shall designate depositories for City funds and shall provide for the regular deposit of all City moneys. The Council shall provide for such security for the City deposits as is authorized or permitted by Statute.

### **13.7 CONTRACTS WITH OTHER GOVERNMENTAL UNITS**

The Council may, by resolution or by ordinance, enter into contracts or agreements with other governmental units or special districts for the use of building, equipment, or facilities, and for furnishing or receiving commodities or services.

### **13.8 BEQUESTS, GIFTS AND DONATIONS**

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

### **13.9 COMPETITIVE BIDS**

Before the City Manager, acting as purchasing agent for the City, makes any purchase of or contracts for supplies, materials, equipment, or lease-options for equipment, he shall give ample opportunity for competitive bidding, under such rules and regulations, and with such exceptions as the Council may prescribe by ordinance; provided, however, that the Council shall not except individual contracts, purchases, or sales from the requirements of competitive bidding, except in the case of contracts, purchases, or sales in an amount less than five hundred dollars, or such other amount as the Council may prescribe by ordinance.

### **13.10 EMERGENCY PURCHASES**

In case of emergency affecting the public peace, health, or safety, the Council may waive all provisions for competitive bidding and direct the City Manager, acting as purchasing agent for the City, to purchase necessary supplies in the open market at not more than commercial prices.

### **13.11 CITY NOT TO PLEDGE CREDIT**

The City shall not lend or pledge the credit or faith thereof, directly or indirectly, in any manner to, or in aid of, any person, company or corporation, public or private, for any amount, or for any purpose whatever; or become responsible for any debt, contract or liability of any person, company or corporation, public or private, in or out of the state.

### **13.12 PENALTIES FOR VIOLATION OF CHARTER**

Any violation of a provision of this Charter shall be deemed a misdemeanor. Any person convicted of such violation may be punished by fines and imprisonment as provided for violation of municipal ordinances by the Statutes of the State of Colorado. (Ord. 18-1991).

### **13.13 ARTICLE AND SECTION HEADINGS**

The article and section headings used in this Charter are for convenience only, and shall not be considered as part of the Charter.

### **13.14 AMENDMENTS**

This Charter may be amended at any time in the manner provided by the Constitution. Should two or more amendments adopted at the same election have conflicting provisions, the one receiving the largest affirmative vote shall prevail as to those provisions.

### **13.15 SUNDAYS AND HOLIDAYS**

Whenever the date fixed by this Charter, or by ordinance, for the doing or completion of any act falls on a Sunday or legal holiday, such act shall be done or completed on the next succeeding day which is not a Sunday or a legal holiday.

### **13.16 TEMPORARY ZONING**

In all proceedings for the annexation of territory to the City, the Council may determine temporary zoning, and establish temporary zoning district or districts for newly-annexed territory at the time of the annexation of any territory to the City. Immediately upon annexation of any territory, the Council shall comply with the statutory procedures and ordinances for zoning now or hereafter amended or enacted.

### **13.17 INTERPRETATIONS**

(a) 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.

(b) The singular number shall include the plural, the plural number shall include the singular, and the masculine gender shall extend to and include the feminine gender and the neuter.

(c) The word "person" may extend and be applied to bodies politic and corporate, and to partnerships, trusts, and associations as well as to individuals.

(d) The word "publication" shall mean publishing in a newspaper of general circulation within the City. Only in time of emergency or disaster, or when no such newspaper is available, may the requirements of publication be met by posting such notice in at least six conspicuous public places within the City. Any notice published by posting shall be published in a newspaper of general circulation within the City as soon as such is again available.

(e) Except in reference to signatures, the words "written" and "in writing" shall include printing, typewriting, engraving, stencil duplicating, lithographing or any other similar method.

(f) The word "statute" shall denote the laws of the State of Colorado in effect at the time the provision of the Charter containing the word "statute" is to be applied.

(g) The word "City" shall mean the City of Rifle, Colorado, a municipal corporation.

(h) The words "taxpaying elector" or "qualified taxpaying elector" shall mean any elector who, in the calendar year last preceding the election, shall have paid a tax upon real or personal property situated within the City, and owned by and assessed to him on the assessment rolls of the County of Garfield.

(i) The words "qualified elector" shall mean a resident of the City who is qualified to vote under the Constitution and statutes of the State of Colorado and who is registered to vote.

(j) The term "public utility" or "public utility corporation", when used in this Charter, shall mean any person, firm or corporation operating heat, power or light systems, communication systems, water, sewer or scheduled transportation systems, and serving or supplying the public under a franchise granted by the City.

## **ARTICLE XIV**

### **TRANSITIONAL PERIOD**

#### **14.1 STATUS OF TRANSITIONAL PROVISIONS**

The purpose of this article is to provide for an orderly transition from the present Town government to the Home Rule government under the provisions of this Charter. This article shall constitute a part of this Charter during the transition period.

#### **14.2 EFFECTIVE DATE AND TRANSITION PERIOD**

The effective date of the Charter shall be July 17, 1963. The period from July 17, 1963, through September 16, 1963, shall be known as the "transition period". During this transition period, the Colorado statutes governing incorporated towns shall remain in force and effect, except where parts of this Charter become effective which may conflict with said statutes. For the purpose of nominating and electing members of the Council, Article II and Article III of this Charter shall become operative immediately, except that the present Mayor and Board of Trustees of the Town of Rifle shall be automatically qualified as candidates without filing petitions, if otherwise qualified. During the transition period, the Board of Trustees shall provide, by resolution, how and when various portions of this Charter may become operative during the transition period, except as hereinafter provided. In any event, all Articles and Sections of this Charter shall be in effect and become operative on September 17, 1963, except as specified in Section 14.4 of this Charter.

#### **14.3 PRESENT BOARD OF TRUSTEES AND MAYOR TO CONTINUE IN OFFICE**

The Board of Trustees and Mayor in office at the time of the adoption of this Charter shall continue at their present salaries, to serve and carry out the functions, powers and duties of their offices until 8:00 P.M., Monday, September 16, 1963.

#### **14.4 CONTINUATION OF PRESENT BOARDS AND COMMISSIONS**

All boards and commissions in office at the time of adoption of this Charter shall continue to function with their present powers and duties as provided in the respective ordinances.

#### **14.5 CONTINUATION OF APPOINTED OFFICERS AND EMPLOYEES**

Except as otherwise provided herein, after the effective date of this Charter, all appointive officers and all employees of the City shall continue in that City office or employment, which corresponds to the Town office or employment which they held prior to the effective date of the 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 which this Charter provides be held at the pleasure of the appointing officer or body, shall hold such position only at such pleasure regardless of the term for which originally appointed.

#### **14.6 FIRST ELECTION UNDER THE CHARTER**

The first election under this Charter shall be held Tuesday, September 10, 1963, pursuant to Article II of this Charter. The Councilmen elected at such City election shall take office at 8:00 P.M., Monday, September 16, 1963.

#### **14.7 RETIREMENT PLANS**

Retirement and pension plans now provided by ordinance of the Town of Rifle, or by Statute, shall continue unless hereafter amended or changed by ordinance or statute.



**CERTIFICATE OF FINAL ADOPTION**

I hereby certify that the above and foregoing document is the Charter adopted at the special election for the Town of Rifle, Colorado, held on Tuesday, July 16, 1963, by vote of 169 votes for the adoption and 28 votes against the adoption of said Charter, and duly filed by me with the Secretary of the State of Colorado.

/s/ Frances Dalrymple  
Town Clerk

(SEAL)