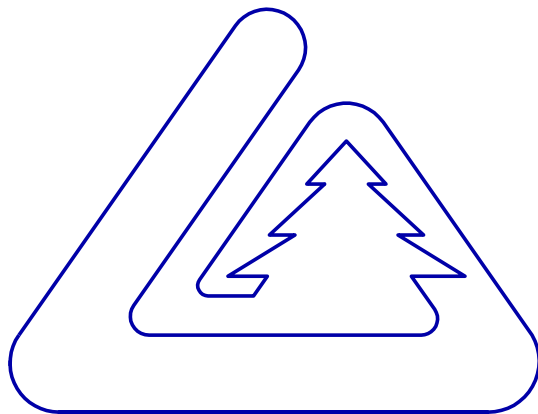


CITY OF LAKEWOOD

CHARTER



Adopted November 1, 1983
Amended November 5, 1991
Amended November 3, 1992
Amended November 2, 1999
Amended November 2, 2004

CITY CHARTER

The City Charter is the first governing document we turn to for information and clarification regarding City policy.

On November 1, 1983, the citizens of Lakewood adopted a home rule Charter to guide officials in the daily operations of City functions. Among other things, this Charter established a council-manager form of government, with the City Council consisting of ten members, elected two from each of five wards with four-year overlapping terms and a Mayor elected at large, also for a four-year term. The position of City Manager, appointed by the City Council, was made the chief administrative officer. The Charter also provided for an independent municipal court with municipal judges appointed by the City Council upon recommendation of a judicial nominating committee. Subsequent to their appointment, each judge of the municipal court stands for retention in office through an election. A 1999 Amendment allowed for the appointment of part time judges by the presiding Municipal Judge.

After almost eight years of operation under the original Charter, city officials proposed five changes to clarify specific provisions in the areas of the City Council's ability to hold executive sessions, the administrative positions of City Clerk and City Treasurer, the date of the regular municipal election, the duties of the Board of Adjustment, and the notification process for annual public hearings on the city budget. These housekeeping amendments, designed to bring Lakewood into conformance with state statutes and existing city policy, were approved by the voters of Lakewood on November 5, 1991. Three additional housekeeping amendments pertaining to the qualifications for municipal office and to term limitations were approved by the voters on November 3, 1992. On November 2, 1999, voters approved three ballot questions, amending the City Charter to bring initiative and referendum procedures into conformance with state law; to clarify provisions of the personnel merit system; and to change the appointment process for part-time municipal judges and eliminate the requirement that part-time judges be subsequently retained in office by municipal election. On November 2, 2004, voters approved charter amendments pertaining to qualifications for City Council office and to change the date for regular municipal elections to coincide with TABOR elections per the Colorado Constitution.

CHARTER FOR THE CITY OF LAKEWOOD

PREAMBLE

We, the people of the City of Lakewood, proclaiming that we are unified in the desire to achieve self-government to the fullest measure allowable under the Constitution of the State of Colorado, do ordain, establish, and adopt this Charter for the benefit of ourselves and the future citizens of the City of Lakewood.

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ARTICLE I

GENERAL PROVISIONS

1.1 NAME AND BOUNDARIES. The municipal corporation presently incorporated as the City of Lakewood, Colorado, shall remain and continue as a body politic and corporate under this Charter with the same name and with the same boundaries until such boundaries are lawfully changed.

1.2 POWERS. The City of Lakewood, hereafter referred to as the "City", shall have all the power of local self-government and home rule and all power possible for a municipality to have under the Constitution and laws of the State of Colorado. The enumeration of any particular power in this Charter shall not be deemed to exclude the exercise of any other power. All powers shall be exercised in the manner set forth in this Charter or, if not provided in this Charter, in such manner as shall be provided by ordinance or resolution of the City.

1.3 PRIOR ACTS IN FORCE. All ordinances, resolutions, rules, and regulations of the City that are in effect upon the effective date of this Charter and that are not in conflict with any provision of this Charter shall continue in full force and effect after the effective date of this Charter until repealed or amended.

1.4 FORM OF GOVERNMENT. The municipal government established by this Charter shall be the Council-Manager form of government.

ARTICLE II
CITY COUNCIL

2.1 POWERS OF THE CITY COUNCIL. The City Council shall be the governing body of the City and shall exercise all legislative powers and functions of the City. All powers of the City not otherwise limited or conferred upon others by this Charter shall vest in the City Council.

2.2 MEMBERSHIP OF THE CITY COUNCIL. The City Council shall consist of eleven members and shall include a Mayor elected at large and ten council members elected two each from five wards as hereafter provided in this Charter.

2.3 MAYOR. The Mayor shall be a member of City Council, shall preside over meetings of the City Council, and shall have all the powers, rights, and duties of a member of the City Council, including the right to vote and speak at meetings of the City Council. The Mayor shall have no veto power. The Mayor shall be recognized as the head of the municipal government of the City for all ceremonial purposes and shall execute and authenticate legal instruments requiring the signature of the Mayor. The Mayor shall have such other powers as may be conferred upon the Mayor by the City Council so long as those powers are not in conflict with the provisions of this Charter.

2.4 MAYOR PRO TEM. A Mayor Pro Tem shall be selected by the City Council from among its members for a term and in a manner determined by the City Council. In the event of a temporary absence of the Mayor, the Mayor Pro Tem shall perform all duties and have all powers of the Mayor.

2.5 MAYOR VACANCY. Should the office of Mayor be vacated for any reason, the City Council shall select from its members a replacement, who shall perform all duties and have all powers of the Mayor until the next regular municipal election. Upon taking the oath of office, the person selected shall no longer serve as a ward council member, and a vacancy shall exist in the ward from which the replacement was elected. Such vacancy shall be filled in accordance with the provisions of the Charter.

2.6 TERMS OF OFFICE. (a) The terms of office of the Mayor and of each member of the City Council shall commence at the first regular meeting following the regular municipal election.

(b) The terms of office of the Mayor and of each member of the City Council shall be four years. Any person appointed or elected as the Mayor or elected as a member of the City Council who serves or has served at least one-half of a term of office shall be considered to have served a term in that office. At the first regular municipal election held after the effective date of this Charter, the Mayor shall be elected for a four-year term; the

member of City Council in each ward receiving the greatest number of votes shall serve a four-year term; and the member of City Council in each ward receiving the next greatest number of votes shall serve a two-year term. Thereafter, each member of the City Council shall be elected for a four-year term. Unless disqualified or removed from office, the Mayor and each member of the City Council shall continue in office until a successor has been elected and sworn. (Amended November 3, 1992.)

(c) Neither the Mayor nor any member of the City Council shall serve as the Mayor or as a member of the City Council, respectively, for more than two consecutive terms after the effective date of this Charter. Terms of office commencing after November 3, 1992 are considered consecutive unless they are at least four years apart regardless of any change in ward boundaries or the residency within wards of a member of the City Council. Such limitation on consecutive terms shall not prohibit a person from serving as the Mayor immediately after serving as a member of the City Council or serving as a member of the City Council immediately after serving as the Mayor. (Amended November 3, 1992.)

2.7 WARDS. The City shall be divided, by ordinance, into five wards to be numbered consecutively beginning with the number "1". Ward boundaries shall be contiguous. The wards shall be as compact and as nearly equal in population as is practicable. The boundaries of the wards may be changed by ordinance.

2.8 COUNCIL VACANCIES. In the event the office of any member of the City Council, except the Mayor, is vacated for any reason, the City Council shall call a special election within 90 days of the effective date of such vacancy in order to elect a successor for the remainder of the term of office; provided, however, that the City Council shall not call a special election if a regular municipal election will be held within 90 days from the effective date of the vacancy.

2.9 QUALIFICATIONS FOR OFFICE. Each member of the City Council shall be a citizen of the United States of America, at least twenty-one years of age, a resident of the City or of the area annexed to the City for at least twelve consecutive months immediately preceding the date of the election, a registered elector in the City, and a resident of the ward from which elected. As a condition of holding office as a member of the City Council, the Mayor shall be a resident of the City and each member of the City Council shall be a resident of the ward from which elected, provided that a change in ward boundaries shall not cause the removal from office of any member of the City Council until the end of the term for which such member was elected. No member of the City Council during a term of office shall be an employee of the City or hold any elected office of the State of Colorado or any political subdivision thereof. The City Council shall be the judge of the election and of the qualifications of its members." (Amended November 3, 1992.) (Amended November 2, 2004.)

2.10 OATH OF OFFICE. Prior to assuming office, the Mayor and each member of the City Council shall affirm or take an oath to support the Constitution of the United States of America, the Constitution of the State of Colorado, the Charter and ordinances of the City of Lakewood, and to faithfully perform the duties of the office.

2.11 COMPENSATION. The members of the City Council shall receive such compensation, and the Mayor such additional compensation, as the City Council shall determine by ordinance. The City Council shall neither increase nor decrease the compensation of the Mayor or any member of the City Council during a term of office, except members of the City Council whose terms do not expire at the next regular municipal election shall receive the same compensation as that provided for incoming members for the remainder of their term of office. The Mayor and members of the City Council may, upon order of the City Council, be paid ordinary and necessary expenses incurred in the performance of the duties of office.

2.12 FINANCIAL DISCLOSURE. The Mayor and members of the City Council and any candidate for Mayor or City Council shall comply with provisions for financial disclosure as established by ordinance.

2.13 REMOVAL FROM OFFICE. The City Council shall have the power to remove its members from office, including the Mayor, for cause, as provided in ordinance hereafter adopted. Removal from office shall require a vote of not less than three-fourths of all members of City Council.

2.14 RECALL FROM OFFICE. (a) Any member of the City Council, including the Mayor, may be recalled after six months in office.

(b) The procedure for recall of members of City Council shall be as follows:

(1) A petition for recall of a member of City Council shall be filed with the City Clerk. The petition shall be signed by those registered electors entitled to vote for a successor of the member of City Council sought to be recalled. The number of signatures required on the petition shall be a least equal in number to twenty-five percent of all votes cast at the last preceding election for all candidates for the office that the person sought to be recalled occupies;

(2) The petition shall contain a general statement, in not more than 200 words, of the grounds upon which recall is sought;

(3) The registered electors signing the petition for recall shall be the sole and exclusive judges of the legality, reasonableness, and sufficiency of the grounds for recall and such grounds shall not be subject to review;

(4) All petitions are sufficient if they appear to be signed by the requisite number of signers who are registered electors, unless a protest, in writing and under oath, is filed with the City Clerk within fifteen days after the recall petition has been filed with the City Clerk. The protest shall specify the grounds upon which the protest is filed;

(5) The City Clerk shall hold a hearing on the protest. All testimony shall be under oath. The hearing shall be concluded within thirty days after the recall petition is filed with the City Clerk. The findings and conclusions of the City Clerk shall be certified to the person or persons representing the signers of the recall petition;

(6) In case the petition is not sufficient, it may be withdrawn by the person or a majority of the persons representing the signers of the recall petition. Within fifteen days thereafter, the petition may be amended and refiled as an original petition;

(7) When a recall petition is sufficient, the City Clerk shall submit the petition and a certificate of its sufficiency to the City Council at its next regular or special meeting. The City Council shall order and fix the date for a special election to be held in not less than thirty days nor more than sixty days after the date of submission of the recall petition to the City Council, except that if a regular municipal election is to be held within ninety days after the date of submission of the recall petition to the City Council, the recall election shall be held as part of the regular municipal election;

(8) There shall be printed on the ballot, for each member of City Council whose recall is to be voted upon, the words, "Shall (name of person against whom the recall petition is filed) be recalled from the Office of (Mayor) (City Council for Ward)." Following such question shall be the words "Yes" and "No" on separate lines;

(9) The names of candidates to succeed the person sought to be recalled will be placed on the ballot in accordance with the provisions of ordinance or as otherwise provided by law. In no event shall the name of the person against whom the recall petition is filed appear as a successor candidate for such office;

(10) If a majority of those voting on the question of recall of any incumbent from office vote "No" said incumbent shall continue in office. If a majority vote "Yes", the incumbent shall be removed from the office immediately upon certification of the election results;

(11) If the vote in a recall election recalls a member of City Council, the successor candidate receiving the highest number of votes for the office vacated shall be declared elected for the remainder of the term of office upon certification of the election results, and

(12) After one recall petition and election, no further petition shall be filed against the same member of City Council during the remainder of the term for which elected unless the petitioners signing such petition equal fifty percent of all ballots cast for that office at the last preceding regular municipal election.

2.15 MEETINGS. (a) The City Council shall meet regularly at City Hall at least once a month on a day and at an hour established by ordinance. The City Council shall establish notification procedures for holding special or emergency meetings by ordinance.

(b) All official meetings of City Council and those of any board, commission, or committee of the City shall be held within the corporate boundaries of the City and shall be open to the public, except for executive sessions.

(c) Any meeting of the City Council may be recessed by a two-thirds vote of those present in order to hold an executive session, which shall be closed to the public, for any of the following purposes:

(1) To consider documents or testimony given in confidence;

(2) To determine a position relative to issues subject to negotiation, to receive reports on the progress and status of negotiations, to develop strategy, and to instruct negotiators;

(3) To consider the purchase or sale of property by the City;

(4) For matters of attorney-client privilege;

(5) For matters required by federal or state law to be confidential;

(6) For matters critical to the personal safety of members of City Council, and for matters involving the protection and security of City property;

(7) For classified or confidential police matters, subject to criteria established by ordinance, and

(8) To consider personnel matters. (Amended November 5, 1991.)

(d) No board, commission, or committee of the City shall hold an executive session, except as may be provided by an ordinance consistent with the provisions of this Charter.

(e) No final policy decision, resolution, rule, ordinance or regulation, and no action approving a contract or calling for the payment of money shall be adopted at any executive session.

2.16 QUORUM. Six members of the City Council shall constitute a quorum for any meeting of the City Council.

ARTICLE III

CITY MANAGER

3.1 CITY MANAGER. The City Manager shall be the chief administrative officer of the City. The City Council, by majority vote of all members, shall appoint a City Manager who shall serve at the pleasure of the City Council and at a salary fixed by the City Council. The City Council shall appoint a City Manager within a reasonable time after a vacancy exists in the position. The City Manager shall be chosen on the basis of executive and administrative qualifications with particular emphasis on actual experience and knowledge of the duties of the office. During tenure in office, the City Manager shall reside within the corporate boundaries of the City.

3.2 ACTING CITY MANAGER. (a) During the period of any vacancy or extended absence in the office of City Manager, the City Council shall appoint an Acting City Manager.

(b) The City Manager may appoint an employee of the City as Acting City Manager during the temporary absence of the City Manager.

(c) Any Acting City Manager shall have all responsibilities, duties, and authority of the City Manager during a vacancy in office or during the temporary absence or disability of the City Manager.

3.3 POWERS AND DUTIES. The City Manager shall be responsible to the City Council for the proper administration of all affairs of the City placed in the City Manager's charge. The City Manager shall have the following powers and duties:

(a) Supervise the enforcement of laws and ordinances of the City;

(b) Appoint, promote, suspend, transfer, and remove all administrative employees of the City in accordance with the provisions of the personnel merit system.

(c) Appoint managerial employees on the basis of executive and administrative abilities;

(d) Prepare a proposed budget and submit it to the City Council, and administer the adopted budget;

(e) At the end of each fiscal year, prepare and submit to the City Council a complete report on the finances and administrative activities of the City; and upon request of the City Council, report on the affairs of the City supervised by the City Manager;

(f) Advise the City Council of the financial condition of the City and make recommendations to the City Council for future City needs;

(g) Exercise supervision and control over all administrative departments and recommend to the City Council any proposal the City Manager believes advisable to establish, alter, consolidate, or abolish administrative departments;

(h) Exercise responsibility for the enforcement of all terms and conditions imposed in favor of the City in any contract or franchise, and report violations thereof to the City Council;

(i) Attend meetings of the City Council and participate in discussions with the City Council in an advisory capacity;

(j) Inform the public concerning approved plans and activities of the City Council and of the City Administration; and

(k) Perform such other duties as prescribed in this Charter, by ordinance, or by the City Council, that are not in conflict with this Charter.

3.4 REMOVAL. The City Council, upon a vote of the majority of all members of City Council, may remove the City Manager or any Acting City Manager from office. However, the City Council shall provide the City Manager or any Acting City Manager with notice of its intent to consider such removal at its next regular or special meeting.

3.5 ANNUAL REVIEW. The job performance of the City Manager shall be evaluated annually by the City Council. The City Council shall review such evaluation with the City Manager.

ARTICLE IV

ORGANIZATION AND ADMINISTRATION

4.1 COUNCIL-ADMINISTRATION RELATIONS. No member of City Council shall direct or request the appointment or removal of any person to or from the employment of the City, or in any manner take part in the appointment or removal of employees of the City, except for the City Manager, City Attorney, and municipal judges. Members of the City Council, except for the purpose of inquiry, shall deal with employees of the City solely through the City Manager, City Attorney, or Presiding Municipal Judge. No member of the City Council, either publicly or privately, shall give an order to any employee of the City. Any violation by a member of the City Council shall constitute misconduct and shall be punishable in a manner as determined by the other members of the City Council. (Amended November 5, 1991.)

4.2 CITY CLERK. The City Manager shall appoint a City Clerk to perform duties required by law and ordinance and such other duties as directed by the City Manager. (Amended November 5, 1991.)

4.3 CITY TREASURER. The City Manager shall appoint a City Treasurer to perform duties required by law and ordinance and such other duties as may be required by the City Manager. (Amended November 5, 1991.)

4.4 ADMINISTRATIVE DEPARTMENTS. The administrative functions of the City will be performed within administrative departments that exist on the effective date of this Charter. The City Council may establish, alter, consolidate, or abolish administrative departments by ordinance. All administrative departments shall be under the supervision and control of the City Manager.

4.5 BOARDS AND COMMISSIONS. (a) All City boards and commissions that exist on the effective date of this Charter shall continue until changed by ordinance. Except as otherwise provided in this Charter, the City Council may, as it deems necessary or desirable, establish, alter, consolidate, or abolish boards and commissions by ordinance. Such ordinance shall prescribe the duties and responsibilities of boards and commissions. Ad hoc advisory committees may be created or abolished by resolution or upon motion of the City Council.

(b) The City Council may provide compensation for service and reimbursement for expenses of members of boards, commissions, and ad hoc committees by ordinance.

4.6 CITY ATTORNEY. (a) The City Council shall appoint a City Attorney who, at the time of appointment, shall be licensed to practice law in Colorado. The City Attorney shall serve at the pleasure of the City Council and at a compensation fixed by the City Council. The City Council may retain special counsel upon its own motion or upon the request of the City Attorney.

(b) The City Attorney shall be the chief legal counsel of the City and the legal advisor to the City Council, City Manager, all departments of the City and boards and commissions. The City Attorney shall perform such other duties as the City Council may direct.

(c) The City Attorney shall appoint, promote, suspend, transfer, and remove City employees of the office of the City Attorney in accordance with the provisions of the personnel merit system.

4.7 PERSONNEL MERIT SYSTEM. (a) There is hereby established a personnel merit system for the employment, promotion, and evaluation of employees of the City which shall be based upon principles of merit. The City Council shall, by ordinance and within twelve months from the effective date of this Charter, adopt provisions consistent with this section.

(b) The personnel merit system ordinance shall include but not be limited to the following provisions:

- (1) Procedures for employment and promotion based on merit;
- (2) Procedures for reasonable probationary periods for employment and promotions;
- (3) Procedures for the resolution of grievances of employees;
- (4) Procedures for administrative appeal of disciplinary action, including discharge, taken against a non-probationary employee, which shall include notice, hearing, and the right to be represented; and
- (5) A requirement that any disciplinary action taken against a non-probationary employee, including but not limited to suspension or discharge from employment, shall be for cause.

(c) All employees of the City shall be subject to the provisions of the personnel merit system except as follows: the City Manager; the City Attorney; the Court Administrator; municipal judges; and such other managerial, executive, and confidential employees of the City as identified in the personnel merit system ordinance, as it may from time to time be amended. (Amended November 5, 1991.) (Amended November 2, 1999.)

ARTICLE V

MUNICIPAL COURT

5.1 MUNICIPAL COURT CREATED. (a) There shall be a Municipal Court, which shall be a qualified municipal court of record as provided by law, to hear and try all alleged violations of ordinances of the City and shall have such other jurisdiction as may be conferred by law. Sentence and fine limitations shall be established by ordinance. All fines and costs collected by the Municipal Court shall be reported and paid to the City Treasurer for deposit in the General Fund of the City.

(b) The City Council shall furnish the Municipal Court with suitable courtroom facilities and funds for the proper conduct of the business of the Municipal Court.

5.2 MUNICIPAL JUDGES. (a) The number of full-time and part-time municipal judges shall be established by ordinance.

(b) In the event the City Council finds there exists a substantial reduction in the work load of the Municipal Court, the number of full-time or part-time municipal judges may be reduced by ordinance.

(1) Such ordinance shall identify each full-time or part-time municipal judge whose position is to be eliminated. Such ordinance shall also provide that the municipal judge position to be eliminated shall be that of an incumbent judge who has served the least time in office as a municipal judge in the Municipal Court of the City.

(2) In no event shall a position of municipal judge be eliminated prior to the expiration of six months from the effective date of such ordinance.

(c) At no time after the elimination of a position of a municipal judge under the provisions of this section shall the number of municipal judges be increased unless and until the City Council finds there exists a substantial increase in the work load of the Municipal Court.

(d) In the event that more than one full-time municipal judge is appointed, the City Council shall designate a Presiding Municipal Judge, who shall serve in such capacity at the pleasure of the City Council. All other full-time municipal judges shall be designated as Municipal Judges. Part-time judges of the Municipal Court shall be designated as Associate Judges. A judge serving in the Municipal Court for limited or special purposes on a temporary basis, as determined by the Presiding Municipal Judge, shall be designated as Special Judge.

(e) All judges appointed to serve in the Municipal Court shall be licensed to practice law by the Supreme Court of the State of Colorado. All such judges shall have been licensed to practice law for not less than five years at the time of appointment. (Amended November 2, 1999.)

5.3 JUDICIAL NOMINATING COMMITTEE. (a) For each appointment of a Municipal Judge, except an Associate Judge or a Special Judge, made hereafter to the Municipal Court, there shall be appointed by the City Council an ad hoc judicial nominating committee consisting of three registered electors of the City who are not attorneys-at-law, a designee of the president of the local bar association, provided such designee has been an attorney-at-law for at least five years and either resides or practices law within the corporate boundaries of the City, and the chief judge of the judicial district in which the City is located or a designee thereof who is a member of the state judiciary of the judicial district in which the City is located.

(b) Each judicial nominating committee shall establish procedures for recruiting, interviewing, and referring nominees to the City Council.

(c) A judicial nominating committee shall recommend and refer the names of not more than three qualified nominees for each vacancy on the Municipal Court, except for Associate Judges. Upon receipt of a name or names from the judicial nominating committee, the City Council shall appoint a nominee to serve an initial term on the Municipal Court. (Amended November 2, 1999.)

5.4 RETENTION OF JUDGES. (a) Upon appointment by the City Council, each judge, except Associate Judges and Special Judges, shall serve an initial term of office of not less than one year, after which the names of such judge shall be placed on the ballot at a regular municipal election. In order that the name of a judge be placed on the ballot, such judge shall file a written declaration with the City Clerk of intent to serve another term prior to ninety days before such regular municipal election.

(b) Upon filing such declaration, a question shall be placed on the regular municipal election ballot as follows: "Shall Judge ... of the City of Lakewood Municipal Court be retained in office? Yes___ No ___." If a majority of those voting on the question vote "No," then a vacancy on the Municipal Court shall exist and such judge shall be removed from office. (Amended November 2, 1999.)

5.5 TERMS OF OFFICE. (a) An initial term of office for each judge, except Associate Judges or Special Judges, shall be not less than one year, and thereafter, until the next regular municipal election. A full term of office for each judge of the Municipal Court, except Associate Judges or Special Judges, shall be four years.

(b) For each judge retained in office by a majority vote after a regular municipal election, said judge shall serve a four-year term, after which the name of such judge shall again be placed on the ballot at a regular municipal election. There shall be no limit on the number of full terms that a judge may serve. (Amended November 2, 1999.)

5.6 ASSOCIATE JUDGES, SPECIAL JUDGES AND COURT REFEREES. The Presiding Judge shall have authority to appoint Associate Judges, Special Judges and Court Referees as such may be authorized by ordinance, who shall serve at the pleasure of the Presiding Municipal Judge. Compensation for Associate Judges, Special Judges, and for Court Referees shall be established by ordinance. (Amended November 2, 1999.)

5.7 ACTING MUNICIPAL JUDGES. In the event of a vacancy in the office of a municipal judge, the City Council may appoint an Acting Municipal Judge for a temporary term, which shall expire upon appointment of a qualified nominee recommended by the judicial nominating committee. Any Acting Municipal Judge shall serve at the pleasure of the City Council.

5.8 COMPENSATION OF MUNICIPAL JUDGES. (a) The City Council shall establish the compensation of all judges of the Municipal Court by ordinance.

(b) Each full-time Municipal Judge shall receive compensation as fixed by City Council, which shall not be reduced during a term of office of such judge, except as hereinafter provided. The compensation of the Presiding Municipal Judge may be reduced to that of a Municipal Judge by the City Council should the City Council designate another full-time Municipal Judge to perform the duties and responsibilities of the Presiding Municipal Judge.

(c) In the event of a general salary decrease for employees of the City and if such salary decrease includes the compensation of the City Manager, City Attorney, and department heads of the City, the City Council may reduce the compensation of all judges by an amount equal to the average reduction for the City Manager, City Attorney, and department heads of the City. (Amended November 2, 1999.)

5.9 JUDICIAL REVIEW COMMISSION. (a) There is hereby established a Judicial Review Commission, which shall consist of three registered electors of the City who are not attorneys at law, a designee of the president of the local bar association, provided such designee has been an attorney at law for at least five years and either resides or practices law within the corporate boundaries of the City, and the chief judge of the judicial district or a designee thereof who is a member of the judiciary of the judicial district in which the City is located. The membership and terms thereof shall be established by the City Council.

(b) The Judicial Review Commission shall have authority to investigate all complaints against judges of the Municipal Court and to recommend to City Council, after hearing before the Judicial Review Commission, the removal of any judge for cause. Such hearings shall be closed to the public and all records privileged, except as to the City Council.

(c) The Judicial Review Commission shall prepare findings following a hearing and may recommend that a judge of the Municipal Court be removed from office. The City Council, after review of the record and findings, may remove a judge from the Municipal Court by a majority vote of all members of the City Council.

(d) The City Council may establish by ordinance such supplemental procedures as are necessary and not in conflict with the provisions of this section.

5.10 COURT ADMINISTRATION. (a) The Presiding Municipal Judge shall appoint a Court Administrator, who shall serve at the pleasure of the Presiding Municipal Judge and who shall be the chief administrative officer of the Municipal Court.

(b) All employees of the Municipal Court, except as otherwise provided in this Charter, shall be subject to the personnel merit system. The Presiding Municipal Judge shall have the power and authority to appoint, promote, suspend, transfer, and remove employees of the Municipal Court subject to the provisions of the personnel merit system.

5.11 TRANSITION OF PART-TIME MUNICIPAL JUDGES. The Municipal Judges (part-time) in office on the effective date of this Charter Amendment shall continue to serve and carry out the functions, powers and duties of their respective offices until their terms expire and their successors are appointed. Thereafter, the associates Judges positions are appointive pursuant to the Charter. (Amended November 2, 1999.)

ARTICLE VI
ELECTIONS

6.1 LAWS GOVERNING ELECTIONS. City elections shall be governed by the Colorado municipal election laws, except as otherwise provided in this Charter or in any ordinance not in conflict with this Charter.

6.2 ELECTION COMMISSION. The City Council may establish an Election Commission by ordinance.

6.3 REGULAR MUNICIPAL ELECTIONS. A regular municipal election shall be held in each odd-numbered year on the first Tuesday in November. (Amended November 5, 1991.) (Amended November 2, 2004.)

6.4 NONPARTISAN ELECTIONS. All municipal elections shall be nonpartisan.

ARTICLE VII

ORDINANCES, RESOLUTIONS, AND MOTIONS

7.1 FORMS OF CITY COUNCIL ACTION. The City Council shall act by ordinance, resolution, or motion. In addition to any other provision of this Charter, the following actions by the City Council shall be by ordinance that:

- (a) Authorizes the borrowing of money;
- (b) Imposes or levies any tax;
- (c) Establishes any regulation for violation of which a penalty may be imposed, or
- (d) Places a burden upon or limits the use of property.

7.2 VOTES REQUIRED. (a) Every ordinance adopted by the City Council shall require an affirmative vote of a majority of those members of City Council present and voting, except that no ordinance shall be adopted with less than five affirmative votes of such majority. Resolutions and motions shall require an affirmative vote of a majority of those members of City Council present and voting.

(b) A member of the City Council shall not vote on any ordinance, resolution, or motion in which that member has a personal, financial, or business interest, nor shall a member of Council vote when that member has been excused from voting by the unanimous consent of the other members present at such meeting. An individual member of City Council shall not vote on any question or issue relative to the conduct of that individual member. Each member of City Council present shall vote on all other ordinances, resolutions, or motions at any regular, special, or emergency meeting of City Council.

7.3 FORM OF ORDINANCE. The enacting clause for all ordinances adopted by the City Council shall be as follows: "Be it Ordained by the City Council of the City of Lakewood, Colorado".

7.4 ORDINANCE ENACTMENT PROCEDURES. (a) The procedure for enactment of an ordinance shall be as follows:

(1) A proposed ordinance shall be introduced and read by title at any regular, special, or emergency meeting of the City Council;

(2) Upon an affirmative vote of a majority of those members present, such proposed ordinance shall be ordered published in full and a day and time fixed for a public hearing at a subsequent regular, special, or emergency meeting of the City Council;

(3) The public hearing and consideration by the City Council on a proposed ordinance at such subsequent regular, special, or emergency meeting shall be not less than ten days from the date of publication;

(4) The proposed ordinance shall again be read by title. After a public hearing, the City Council may consider and vote upon the adoption of the ordinance, and

(5) If such ordinance is adopted by the City Council, it shall be published by title only, except that any amendment to such ordinance shall be included in the publication.

(b) No ordinance shall take effect and be in force before thirty days after adoption by the City Council and publication by title, except that ordinances necessary for the immediate preservation of the public peace, health, or safety shall take effect and be in force after the following: Adoption by an affirmative vote of two-thirds of all members of City Council; signature on the ordinance by the Mayor or Mayor Pro Tem, and provided such ordinance contains in a separate section the emergency nature of such ordinance. Such ordinance shall then be published by title only, except that any amendment to the ordinance shall be included in the publication.

(c) Notwithstanding any provision to the contrary in subsection (b) above, no ordinance that zones, rezones, or changes any zoned district shall be subject to any emergency provision and no such ordinance shall take effect and be in force before forty-five days after adoption by the City Council and publication by title.

7.5 PUBLICATION OF ORDINANCES. The publication of any ordinance, either in full or by title, shall be in a newspaper of general circulation in the City or in such other news media as authorized by the City Council by ordinance.

7.6 CODES. (a) The City Council shall cause ordinances of a general and permanent nature to be codified and maintained thereafter in current form.

(b) The City Council may adopt, by ordinance, standard codes by reference in such manner as it deems appropriate.

7.7 AUTHENTICATION OF ORDINANCES. A true copy of each ordinance adopted by City Council shall be numbered and recorded in the Permanent Ordinance Record with a certificate of adoption and publication authenticated by the signature of the Mayor or Mayor Pro Tem and the City Clerk or designated deputy thereof.

ARTICLE VIII

FRANCHISES

8.1 PRESENT FRANCHISES. All franchise ordinances and agreements of the City in effect on the effective date of this Charter shall remain in full force and in effect in accordance with the terms and conditions thereof, unless otherwise modified by a subsequent franchise ordinance or agreement.

8.2 GRANTING OF FRANCHISES. (a) The City Council shall grant franchises by ordinance, except as otherwise determined by law.

(b) The City Council may establish procedures and other matters related to the granting of franchises by ordinance.

(c) No franchise shall be granted for longer than twenty years.

ARTICLE IX

PLANNING AND ZONING

9.1 PLANNING AND ZONING. (a) There is hereby established a Planning Commission. The Planning Commission shall make and adopt a comprehensive master plan for the physical development of the City, including amendments thereto and periodic updating thereof, subject to the approval of the City Council.

(b) The Planning Commission shall review and make recommendations to the City Council on land use matters, including but not limited to zoning, rezoning, platting, annexation, and subdivision of land; provided, however, that the City Council may also establish a zoning commission by ordinance to assume the responsibilities relative to the review and the making of recommendations on all such land use matters as may be determined by the City Council.

(c) No member of the City Council shall serve as either a member of the Planning Commission or, if established, a zoning commission.

(d) For the purpose of promoting the health, safety, and general welfare of the City, the City Council shall provide for zoning regulations and restrictions within the City by ordinance.

(e) There is hereby established a Board of Adjustment, which shall have the following duties and responsibilities:

(1) To hear and decide appeals from and review any order, requirement, decision, or determination made by any administrative official charged with the enforcement of any zoning ordinance adopted pursuant to this section; and to reverse, affirm, modify, or amend any such order, requirement, decision, or determination; and

(2) To vary or modify the application of the regulations or provisions of any such ordinance relating to the construction or alteration of buildings or structures, where there are practical difficulties or unnecessary hardships. (Amended November 5, 1991.)

9.2 ZONING CHANGES AND LEGAL PROTESTS. Zoning regulations, restrictions, and boundaries may from time to time be amended, supplemented, changed, modified, or repealed. In case of a protest against changes in regulations or restrictions, or changes in the zoned district applicable to particular land, which protest is filed with the City Clerk at least twenty-four hours prior to the vote by the City Council on the change; and which is signed by the owners of twenty percent or more of the area subject to the proposed change or twenty percent or more of the area bounded by a line drawn at a distance of 100 feet

from every point of the outer boundary of the area subject to the change, disregarding intervening public streets and alleys and excluding those areas of land outside of the corporate boundaries of the City, such changes shall not become effective except by a favorable vote of two-thirds of all members of the City Council.

9.3 WARD ADVISORY COMMITTEES. (a) The City Council may by ordinance establish a system of ward advisory committees. Such ordinance, if adopted, shall provide for one such committee in each ward of the City. The membership of a ward advisory committee shall consist of an elected committee member from each municipal precinct within a ward. The qualifications for committee members shall be the same as those for members of the City Council or as otherwise provided in the ordinance.

(b) The duties and responsibilities of the ward advisory committees shall be as follows:

- (1) Participate in the ongoing planning processes of the City;
- (2) Review all proposals for zoning or rezoning within or adjacent to the ward and submit comments and recommendations on such proposals to the City Administration and Planning Commission for consideration in reviewing such proposals for zoning and rezoning;
- (3) Advise the City Council and Planning Commission regarding matters involving the economic health of the ward and the City;
- (4) Review and make comments and recommendations on such other matters as requested by the City Council or Planning Commission; and
- (5) From time to time report to the City Council on such matters as in the opinion of the ward advisory committees require the attention of the City Council or City Administration.

ARTICLE X

IMPROVEMENT DISTRICTS

10.1 POWER TO CREATE DISTRICTS. (a) The City Council shall have the power, except as hereafter provided, to create improvement districts within the City for the purpose of constructing or installing local improvements of every character within such districts; to assess the cost thereof, entirely or in part, upon the property benefited within such districts, and to issue local improvement securities therefor.

(b) The City Council shall, by ordinance and consistent with the provisions of this article, prescribe the method and manner of creating improvement districts, including but not limited to the requirements for notice; the method and time for filing objections and disposition thereof; the method and manner of constructing or otherwise acquiring improvements; letting contracts therefor; assessing the cost thereof; issuing and paying securities for the construction, installation, or purchase or equipping of such improvements, including the costs incidental thereto, for assessing the costs thereof, and for all other matters related to improvement districts.

(c) In the ordinance prescribing the method and manner of creating improvement districts, initiation of improvement districts shall be either by:

(1) Ordinance adopted by the City Council on its own motion, or

(2) By petition of the owners of not less than twenty-five percent of the property by area within an improvement district.

(d) The City Council shall create no improvement district without the express written consent of owners of a majority of the property by area within an improvement district. As used in this section, the term "owners" means only those entities or persons in whom record fee title is vested, although such title may be subject to a lien or other encumbrance; and the term "property" means all land, whether platted or unplatted, regardless of improvements thereon and regardless of lot or land lines.

10.2 IMPROVEMENT DISTRICT SECURITIES. Securities for any improvement district payable from special assessments, which payment may be additionally secured as provided in this article, shall not be subject to any debt limitation or otherwise affect the power of the City to incur indebtedness, nor shall such securities be required to be authorized at any election. Such securities shall not be held to constitute a prohibited lending of credit or donation, or to contravene any limitation of this Charter, Colorado statute, or the Constitution of the State of Colorado.

10.3 TRANSFERS OF UNENCUMBERED FUNDS. When all outstanding securities for an improvement district have been paid and monies remain in accounts provided for such improvement district or for payment of such securities, such monies may be transferred, in whole or in part, by resolution of the City Council to any other fund of the City or to a surplus and deficiency fund. Whenever the monies in any improvement district fund are insufficient to pay the principal of, premium, if any, or interest on any securities, monies sufficient therefor shall be transferred from the surplus and deficiency fund to the extent such monies are available.

10.4 PAYMENT OF SECURITIES. In addition to any other provision for payment, whenever there has been paid and canceled three-fourths of the securities issued for a local improvement district and for any reason the remaining assessments are not paid in time to redeem the final securities for an improvement district, the City shall pay the securities when due and reimburse itself by collecting the unpaid assessments due the improvement district.

10.5 REVIEW OF IMPROVEMENT DISTRICT PROCEEDINGS. No action or proceeding, at law or in equity, to review any acts or proceedings, or to question the validity of, or enjoin the issuance or payment of any securities; or the levy or collection of any assessments authorized by this article, or for any other relief against any acts or proceedings of the City done or had under this article, shall be maintained against the City, unless commenced within twenty days after the performance of such act or the effective date of the ordinance or resolution complained of, or else be thereafter forever barred.

ARTICLE XI

MUNICIPAL BORROWING

11.1 FORMS OF BORROWING. The City may issue the following securities to evidence any borrowing authorized by this Article XI and Article X: short-term notes; general obligation securities; revenue securities; improvement district securities; and securities similar to the foregoing, and any other lawfully recognized security.

11.2 SHORT-TERM NOTES. The City may borrow money, by ordinance, without an election, payable from the proceeds of ad valorem taxes or any other revenue of the City and issue short-term notes or similar securities to evidence the amount borrowed. The short-term notes or similar securities shall mature within twelve months from the date of issuance thereof.

11.3 LONG-TERM GENERAL OBLIGATION SECURITIES. (a) Except as otherwise provided in Section 11.5, no securities payable in whole or in part from the proceeds of ad valorem taxes of the City and having a term or terms exceeding twelve months, shall be issued until the questions of issuance thereof be submitted to a vote of the registered electors of the City at a special or regular municipal election and approved by a majority of those voting thereon at such election.

(b) The total outstanding amount of such long-term securities to which ad valorem taxes are so pledged, as heretofore provided in this section, in whole or in part, shall not exceed at any time three percent of the actual value of the taxable property in the City as last determined by the County Assessor for assessment purposes pursuant to law.

(c) Requirements and limitations set forth in this section shall not apply to securities issued pursuant to the provisions of Article X.

11.4 REVENUE SECURITIES. (a) Revenue securities may be issued without an election and be payable solely from revenues other than the proceeds of the general ad valorem property tax, including, without limitation, revenue derived from the operation of the project or capital improvement constructed, acquired, or improved with the proceeds from such revenue securities; from other municipal projects or improvements; from any city-imposed fees; from the available proceeds of any sales, use, excise or other tax; from revenue received by the City from the state or any other governmental entity; or from any part or combination of such sources.

(b) Revenue securities issued pursuant to this section may also be secured by pledge of ad valorem taxes of the City; provided, however, that prior to the issuance thereof such revenue securities shall be approved by a majority of the registered electors of the City at an election held as required in Section 11.3 hereof.

(c) Revenue securities to which ad valorem taxes are not pledged shall not be included in the limitation on total outstanding indebtedness as specified in Section 11.3 hereof.

11.5 REFUNDING SECURITIES. The City may issue refunding bonds or other like securities for the purpose of refunding and providing for the payment of the outstanding bonds or other like securities of the City as the same mature, or in advance of maturity by means of an escrow or otherwise. No refunding bonds or other like securities issued for the purpose of refunding revenue securities shall be made payable in whole or in part from the proceeds of general property taxes or pledge the full faith and credit of the City unless they are first submitted to a vote pursuant to Section 11.3, except that no such vote shall be necessary as a condition precedent to the issuance of securities to refund securities originally issued with voter approval and local improvement securities.

11.6 LONG-TERM RENTALS AND LEASEHOLDS. The City Council may by ordinance, and without an election, enter into long-term rental or leasehold agreements for any municipal purpose. The agreements may include an option or options to purchase and acquire title to the property within a period not exceeding the useful life of the property. Long-term rental or leasehold agreements shall not be included in the limitation on total outstanding indebtedness as specified in Section 11.3 hereof.

11.7 REVIEW OF PROCEEDINGS. No action or proceeding at law or in equity to review any acts or proceedings, or to question the validity of, or enjoin the performance of the issue or collection of any securities; or the levy or collection of any assessments, or for any other relief against any acts or proceedings of the City done or had under this article shall be maintained against the City, unless commenced within twenty days after the performance of the act or the effective date of the resolution or ordinance or else be thereafter forever barred.

11.8 TERMS, INTEREST, AND SALE OF SECURITIES. The terms, redemption features, maximum interest rate, and similar details of securities shall be fixed by the authorizing ordinance or resolution, and the securities shall be sold at public or private sale, at above or below par, all as determined upon issuance to be to the best advantage to the City.

ARTICLE XII

BUDGET, TAXATION, AND FINANCE

12.1 FISCAL YEAR. Unless otherwise provided by ordinance, the fiscal year of the City shall begin on the first day of January and end on the last day of December.

12.2 PROPOSED BUDGET. The City Manager shall submit the proposed budget for the ensuing fiscal year to the City Council on or before the 15th day of September of each year.

12.3 SCOPE OF BUDGET. The proposed and the adopted budget for the ensuing fiscal year shall include but not be limited to the following:

- (a) An estimate of anticipated revenues from all sources;
- (b) An estimate of cash available, if any, as of December 31 of the present fiscal year;
- (c) An estimate of proposed expenditures necessary for the operation of the City;
- (d) The expenditures necessary for debt service;
- (e) The proposed capital expenditures and methods of financing such expenditures;
- (f) An estimate of the amount required to be raised from an ad valorem property tax levy, and
- (g) The balance between total estimated expenditures and total anticipated revenues, including surpluses.

12.4 PUBLIC HEARING. There shall be at least two public hearings on the proposed budget before it is adopted by the City Council. There shall be a notice of the time and place of public hearing, which shall include the location of where the proposed budget is on file for public inspection. Such notice shall be published not later than five days prior to each public hearing in a newspaper of general circulation in the City, or in such other news media as authorized by City Council. (Amended November 5, 1991.)

12.5 BUDGET ADOPTION AND APPROPRIATION. On or before the first day of November of each year, the City Council shall adopt a budget for the ensuing fiscal year. Prior to the commencement of the fiscal year, the City Council shall make the appropriation for the ensuing fiscal year by ordinance. The amounts appropriated shall not exceed the balanced amounts between estimated revenues and estimated expenditures as set forth in the adopted budget.

12.6 FUNDS. (a) All revenues not specifically allocated to any other fund shall be deposited in the General Fund. The General Fund may provide for contingencies in such manner as determined by the City Council.

(b) Special funds may be created by ordinance in order to provide for the deposit of monies to be held or used for special purposes as determined by the City Council.

(c) The Capital Improvements Fund is hereby established for the purpose of paying the costs of capital improvements. The City Council may establish rules and regulations by ordinance for the administration of the Capital Improvements Fund.

12.7 TRANSFER OF FUNDS. The City Manager may, at any time, transfer any unencumbered appropriation balance, or portion thereof, from one classification of expenditure to another within the same department, office, or agency. The City Manager shall report all such transfers to the City Council. The City Council may authorize the transfer of any unencumbered appropriation balance, or portion thereof, between administrative departments or among funds.

12.8 SUPPLEMENTAL APPROPRIATIONS. The City Council may make supplemental appropriations by ordinance during the fiscal year for unanticipated expenditures required for the operation of the City, provided the aggregate of such supplemental appropriations made during the fiscal year does not exceed the amount by which actual and anticipated revenues for the fiscal year are exceeding the revenues as estimated in the adopted budget, or as such monies not anticipated in the adopted budget may otherwise become available to the City.

12.9 APPROPRIATIONS TO LAPSE. Every appropriation shall lapse at the close of the fiscal year to the extent that it has not been encumbered or expended, except that an appropriation within the capital improvements fund or a special fund shall not lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned.

12.10 LEVY AND COLLECTION OF TAXES. The City Council shall, by ordinance, provide for the levy and collection of taxes and special assessments by either the City or by the County or by the State.

12.11 LIMITATION ON SALES AND USE TAX RATES. No increase in municipal sales or use tax rates within the City shall take effect until such increase is approved at a special or regular municipal election by a majority of those registered electors voting thereon. The requirement for an election on sales or use taxes shall apply only to an increase in rates of sales or use taxes, and no election shall be required for the administration, revision, extension, or any other action taken by the City Council affecting sales and use taxes.

12.12 LIMITATION ON PROPERTY TAXES. (a) The City Council shall not levy an ad valorem tax on taxable property in the City that provides revenue from such levy in an amount greater than was levied in the preceding year plus seven percent, except as hereafter provided. This limitation on the levy of an annual ad valorem tax on taxable property shall not apply for any purpose to the following:

(1) The payment of securities issued by the City pursuant to the provisions of this Charter if such securities and interest thereon are payable from ad valorem property taxes, and all such securities issued by the City shall be payable pursuant to the terms of issuance;

(2) The payment of any contractual obligation that has been approved by the registered electors of the City; and

(3) In the event the City, as the result of exclusion, dissolution, or as otherwise provided by law, continues to provide the services of a special district or special taxing district, the City Council may levy and collect the ad valorem property tax necessary to continue such services in an amount not to exceed that amount most recently levied by the special district or special taxing district for such services; provided, however, that any subsequent levy by the City pursuant to this subsection (a)(3) shall be subject to the seven percent limitation as provided herein.

(b) In computing the seven percent limitation, the following shall be excluded:

(1) The increased valuation for assessment attributable to annexation or inclusion of additional land, improvements thereon, and personal property connected therewith within the City for the preceding year;

(2) The increased valuation for assessment attributable to new construction and personal property connected therewith within the City for the preceding year; and

(3) The increased valuation for assessment attributable to increased volume of production for the preceding year by a producing mine or petroleum well if said mine or petroleum well is wholly or partially within the City and if such increase in volume of production causes a change in services or an increase in the level of services provided by the City.

(c) The City Council may submit the question of increasing the levy over the seven percent limitation for any one year to a vote of the registered electors of the City at a regular or special municipal election. If a majority of the registered electors voting thereon vote in favor of increasing the levy over the seven percent limitation, then the City Council may increase the levy for the year voted upon by the amount approved by the registered electors.

12.13 ACCOUNTING. The City Manager shall direct and administer a system of accounts and records in conformance with generally accepted municipal accounting practices.

12.14 ANNUAL AUDIT. An audit of all City accounts and financial records shall be conducted annually by a certified public accountant selected by City Council. The City Council may call for special audits at any time.

12.15 DEPOSIT OF FUNDS. The City Treasurer may deposit funds in those depositories that are legally designated by state statute. The City Council may designate, by ordinance, those depositories in which funds of the City may be deposited, provided such depositories are legally authorized by statute.

12.16 INVESTMENT OF FUNDS. (a) The City Treasurer is authorized to invest funds of the City in any of the following investments:

(1) Those investments that are legal for governmental entities as provided by statute;

(2) Bonds or other interest-bearing obligations of any agency of the United States, and

(3) Repurchase agreements that are fully collateralized by obligations of the United States or any agency thereof.

(b) The City Treasurer shall adhere to the investment standards prescribed for pension and death and disability funds of the City by the Employee Retirement Income Security Act of 1974, as amended.

ARTICLE XIII

INITIATIVE AND REFERENDUM

13.1 INITIATIVE PROCEDURES. (a) Any initiated measure shall be in the form of an ordinance, which shall be legislative in character.

(b) An initiated ordinance may be submitted to the City Council by filing a petition with the City Clerk. The petition shall be signed by registered electors of the City in a number at least equal to five percent of the total number of registered electors of the City on the date of the last regular municipal election.

(c) If the petition is found to be sufficient upon examination by the City Clerk, the City Clerk shall present the petition to the City Council at the first regular meeting held more than thirty days after the date the petition was filed or at a special meeting held on the first Monday more than thirty days after the date the petition was filed.

(d) Within thirty days after the petition is presented by the City Clerk, the City Council shall either adopt the initiated ordinance by a majority vote of all members of City Council without any change to the initiated ordinance or submit the initiated ordinance to a vote of the registered electors of the City at a special election to be held within ninety days, but not less than thirty days, after the petition is presented to the City Council; or at any regular municipal election to be held not more than ninety days after presentation of the petition to the City Council.

(e) The initiated ordinance shall be published in full not less than ten days prior to the election. The ballot shall have printed on it the ordinance title and submission clause, and on separate lines under the submission clause, the words, "FOR THE ORDINANCE" and "AGAINST THE ORDINANCE".

(f) If a majority of the registered electors voting vote "for" the ordinance, it shall be adopted and take effect upon certification of the election results, or at such later date as may be set forth in the ordinance.

(g) In the event that initiated ordinances containing conflicting provisions are approved at the same election, the initiated ordinance receiving the greatest number of votes shall prevail to the extent of the conflict. (Amended November 2, 1999.)

13.2 REFERENDUM PROCEDURES. (a) All ordinances adopted by the City Council that are legislative in character shall be subject to referendum. Any ordinance necessary for the immediate preservation of the public peace, health, or safety; fixing the rate of general property taxation for any year; related to the issuance of securities; adopting the budget; making an appropriation for the ensuing fiscal year; calling for a special election; levying special assessments, or initiating improvement districts shall not be subject to referendum.

(b) If a petition calling for a referendum of an ordinance is signed by registered electors of the City in a number at least equal to three percent of the total number of registered electors of the City on the date of the last regular municipal election, such petition may be submitted to the City Council by filing it with the City Clerk. A referendum petition shall be filed with the City Clerk prior to the effective date of an ordinance as provided in Section 7.4 (b) and (c) of this Charter.

(c) If the petition is found to be sufficient upon examination by the City Clerk, the City Clerk shall present the petition to the City Council at the first regular meeting held more than thirty days after the date the petition was filed or at a special meeting held on the first Monday more than thirty days after the date the petition was filed.

(d) Upon presentation to the City Council of such petition by the City Clerk, the ordinance shall be suspended from operation.

(e) The City Council shall upon presentation of the referendum petition immediately reconsider the ordinance. If upon reconsideration the ordinance is not repealed in its entirety by a majority of all members of City Council, the ordinance shall be submitted, without amendment or alteration, to a vote of the registered electors at a special election to be held within ninety days, but not less than thirty days, after presentation of the referendum petition to the City Council; or at a regular municipal election held within the ninety-day period.

(f) A referred ordinance shall be published in full not less than ten days prior to the date of the election. The ballot for the referred ordinance shall have printed on it the ordinance title and submission clause and on separate lines under the submission clause the words, "FOR THE ORDINANCE" and "AGAINST THE ORDINANCE". If a majority of the registered electors voting vote "for" the ordinance, it shall be effective upon certification of the election results. If a majority of the registered electors voting vote "against" the ordinance, the ordinance shall be repealed upon certification of the election results. (Amended November 2, 1999.)

13.3 PROHIBITED ACTION BY CITY COUNCIL. (a) No initiated ordinance adopted by the registered electors of the City may be amended or repealed by the City Council during a period of six months after the date of the election on the initiated ordinance.

(b) No referred ordinance repealed by the registered electors of the City may be subsequently adopted by the City Council during a period of six months after the date of the election on the referred ordinance.

13.4 REFERRAL BY THE CITY COUNCIL. The City Council shall have the power to submit any proposed or adopted ordinance or any question to a vote of the registered electors of the City without receipt of a petition.

13.5 SUPPLEMENTARY PROVISIONS. The City Council may adopt by ordinance, and consistent with the provisions of this article, supplementary provisions for initiative and referendum, including but not limited to provisions for the form and content of petitions; the requirements for circulation, signing, and submission of petitions; the method for preparing an ordinance title and submission clause for a ballot, and the requirements for examination and certification of petitions by the City Clerk. Should any provision of this article be judicially declared invalid, the City Council may adopt ordinances further supplementing this article.

ARTICLE XIV

SPECIAL LEGAL PROVISIONS

14.1 SEVERABILITY OF CHARTER PROVISIONS. If any part of this Charter, or application thereof to any person or circumstance, is adjudged invalid by a court of competent jurisdiction, such invalidity shall not affect the remaining parts of this Charter that can be effective without the invalid part, and to this end this Charter is declared to be severable.

14.2 INTERPRETATION. (a) Where any question exists as to the meaning of any portion of this Charter, it shall be interpreted consistent with the Charter's purpose to reserve to the City and its citizens the broadest possible powers of home rule and of local self-government available under the Constitution of the State of Colorado, as limited only by the specific language of this Charter.

(b) Except as otherwise expressly provided herein or as indicated by the context, 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. The singular number shall include the plural, and the plural shall include the singular.

14.3 SALE, LEASE AND DISPOSAL OF CITY PROPERTY. (a) The City Council may, on such terms and conditions as the City Council deems appropriate and by ordinance, without the prior approval of the registered electors of the City, except as hereafter provided, lease, sell, or otherwise dispose of public buildings, real property, or water rights held or used for any municipal purpose.

(b) Except for those parts of utilities or systems no longer useful to the operation of a utility or system, there shall be no lease or sale of water works; gasworks; geothermal systems; solar systems; electric distribution systems or other public utilities; or any real property used or held for open space or park purposes without the question of such lease or sale, and the terms and consideration therefor being submitted to a vote of the registered electors of the City at a special or regular municipal election and a favorable vote by a majority of those registered electors voting thereon.

(c) Nothing in subsection (b) above shall prohibit the City from granting utility easements across, under, or over any City property held for open space or parks purposes.

14.4 EMINENT DOMAIN. The City shall have the right of eminent domain and dominant eminent domain within or without its corporate boundaries.

14.5 ARTICLES AND SECTIONS. The numbering and titles of articles and sections of this Charter are for convenience only and shall not affect the meaning of any provision in this Charter.

14.6 PUBLIC RECORDS. It shall be the policy of the City that all public records of the City shall be open for inspection at reasonable times, except as otherwise provided by Colorado statute. Those public records of the City that are open to inspection shall be reasonably accessible for inspection. The public records of the City may be deposited at any public facility for the purpose of availability for inspection.

14.7 SPECIAL TAXING DISTRICTS. The City Council may, by ordinance, establish special taxing districts as provided by the Constitution or laws of the State of Colorado.

14.8 ELECTION REQUIRED FOR URBAN RENEWAL AUTHORITY. The City Council shall not create an urban renewal authority as provided in the Colorado Urban Renewal Law until the question of creating an urban renewal authority has been submitted to a vote of the registered electors of the City at a special or regular municipal election and approved by a majority of those voting thereon at such election.

14.9 CHARTER AMENDMENT. This Charter shall be amended in the manner provided by Article XX of the Constitution of the State of Colorado and any statute enacted by the Colorado General Assembly pursuant thereto.

ARTICLE XV

TRANSITIONAL PROVISIONS

15.1 PURPOSE. The purpose of this article is to provide for an orderly transition from the present municipal government to a home rule government under the provisions of this Charter. The provisions of this article shall constitute a part of this Charter only to the extent necessary to accomplish an orderly transition.

15.2 EFFECTIVE DATE OF CHARTER. This Charter shall become effective upon an affirmative vote of a majority of registered electors of the City voting thereon.

15.3 CONTINUATION OF MAYOR AND CITY COUNCIL. The Mayor and members of the City Council in office on the effective date of this Charter shall continue to serve and carry out the functions, powers, and duties of their respective offices until the Mayor and members of City Council are elected at the first regular municipal election following the effective date of this Charter and until such elected Mayor and members of City Council take the oath of office; provided, however, should this Charter become effective at the regular municipal election to be held on November 1, 1983, the Mayor and members of City Council elected at said election shall commence their terms of office at the time and for the terms as prescribed in Section 2.6 (a) and (b) of this Charter.

15.4 CITY COUNCIL DUTIES. The Mayor and members of the City Council in office on the effective date of this Charter shall take all actions necessary or desirable to accomplish the orderly transition from the present municipal government to a home rule government under the provisions of this Charter.

15.5 CONTINUATION OF OFFICIALS AND EMPLOYEES. (a) The City Clerk and the City Treasurer in office on the effective date of this Charter may continue to serve and carry out the functions, powers, and duties of their respective offices as though they had been appointed or employed in the manner provided by this Charter for administrative employees of the City. Their offices shall be considered administrative in nature under this Charter and they and their offices shall in all respects be subject to the provisions of this Charter and any ordinance not in conflict therewith.

(b) Should this Charter become effective at the regular municipal election held on November 1, 1983, those persons elected at said election as City Clerk and City Treasurer shall hold their respective offices as elected officials of the City until the regular municipal election in the year 1985, or unless those persons sooner vacate their respective elected offices for any reason. Such persons shall commence their terms of office as prescribed in Section 2.6 (a) of this Charter.

(c) All other officers and employees of the City may continue in office or in the employment which they held prior to the effective date of this Charter, as though they had been appointed or employed in the manner provided by this Charter, and they shall in all respects be subject to the provisions of this Charter and any ordinance not in conflict therewith.

15.6 MUNICIPAL COURT. (a) Those judges of the Municipal Court in office on the effective date of this Charter shall continue to serve in their respective capacities as Presiding Municipal Judge and Associate Municipal Judge. Any part-time municipal judge in office on the effective date of this Charter shall be designated as a Municipal Judge.

(b) The name of the Presiding Municipal Judge in office on the effective date of this Charter shall be placed on the ballot for a full term at the regular municipal election to be held in the year 1985, provided such judge files a declaration of intent to serve with the City Clerk as provided in this Charter.

(c) The names of the Associate Municipal Judge and of any Municipal Judge in office on the effective date of this Charter shall be placed on the ballot for a full term at the first regular municipal election to be held after the effective date of this Charter, provided such judges file with the City Clerk a declaration of intent to serve as provided in this Charter.